

IN THE MATTER OF THE
THE APPLICATION OF
HERMAN J. NESLINE, ET UX
FOR A SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE SOUTHEAST SIDE OF
BELAIR ROAD, 32' NORTHEAST
OF RAAB AVENUE
(8809-8811 BELAIR ROAD)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-406-XA

OPINION

This is an appeal from the decision of the Deputy Zoning Commissioner dated May 8, 1989. The Petitioner was granted a special exception for an automotive service station (Gas-N-Go) in combination with a convenience store of less than 5,000 feet of retail sales area and a variance to permit one business sign with a total of 158.28 square feet in lieu of the permitted three signs of 100 square feet each. Restrictions were also imposed (see Order of Deputy Zoning Commissioner). Aggrieved by the Deputy Zoning Commissioner's decision, an appeal was filed by Sophie Raab. The appeal to this Board is de novo and this Board's decision is based upon the evidence, testimony and exhibits presented during the hearing.

The Petitioner, represented by Anthony DiPaula, Esquire, presented the following witnesses: Richard Truelove, a civil engineer with APR Associate; Charles T. Bogdanovic, project engineer with Amoco Oil Company; Robert Morris, a traffic expert engineer with Amoco Oil Company; Robert Morris, a traffic expert and transportation planner; L. Rodney Compton, business development representative of Amoco; and Herman J. Nesline, the property owner.

The Protestants, represented by Michael Tancryn, Esquire, presented the testimony of Louis Waidner, a representative of Perry

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Hall Community Association, and two neighbors from the nearby community, Thomas Vecchione and Sophie Raab.

The Protestants contend that the special exception for a service station and convenience store should be denied. They argue that the conditions set out in Section 502.1 of the Baltimore County Zoning Regulations (BCZR) have not been met and further argue that there is no need for an additional service station in the area which must be shown pursuant to Section 405.3 of the BCZR.

The Board has given due consideration to all of the evidence and testimony presented during the 3-day hearing and finds that the required conditions as set out in Section 502.1 and Section 405.3 of the BCZR have been met and will so grant the special exception and the sign variance requested.

The subject project is located at 8809-8811 Belair Road in Baltimore County, Maryland. It is approximately .83 acre in size and is presently zoned B.L. The B.L. zoning was granted by the County Council during the 1988 zoning map process. The property is located on the southeast side of Belair Road just northeast of Raab Avenue. It is improved by a masonry structure and was characterized during the hearing as having a junkyard appearance. To the rear of the property is the Petitioner's residence which will have access through the subject property.

According to the Amended Plan submitted by the Petitioner (Petitioner's Exhibit No. 1), Amoco Oil Company, as a long-term lessee, proposes to raze all existing structures on the site and improve the property to a Gas-N-Go type service station in combination with a convenience food store. The Amended Plan provides for four island pumps situated parallel to Belair Road in

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the front portion of the site and a convenience food store to the rear. The underground gas tanks are along the south side of the site. There are two access ways to Belair Road and the southernmost entrance is required by the Maryland State Highway Administration to be no less than 20 feet with a one-way entrance. The site is subject to a proposed 24-foot right-of-way easement for the future widening of Belair Road.

As aptly set out in Petitioner's Memorandum, the Protestants have generally raised five reasons why the Petition for Special Exception should be denied. They are: (1) the proposed use will be a traffic hazard; (2) the location of the gasoline storage tanks poses a potential fire hazard and the risk of gasoline spillings during deliveries; (3) the proposed use in combination with a food store will result in an increase of crime to the area; (4) a storm water management pond will create potential risk to children living in the area; and (5) there is no need for an additional service station in the area.

The Petitioner has the burden of establishing that the proposed use of the property as a service garage in combination with a food store will not create a traffic hazard or excessive traffic congestion both under Section 502.1 and Section 405.3 of the BCZR.

The Petitioner offered the testimony of Robert Morris, a traffic expert, who conducted an on-site traffic analysis to determine how the proposed use would affect traffic conditions. He examined both intersections to the north and south of the site as to level of service, took sight distance measurements for vehicles entering and exiting the property, and reviewed internal

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traffic flow as proposed by the Amended Plan. His testimony and report (Petitioner's Exhibit No. 3) indicate that Belair Road carries an average daily traffic volume of approximately 40,000 vehicles and that the posted speed limit is 40 m.p.m. Vehicles approaching the station from the south have a sight distance of 510 feet and over 1,000 feet approaching from the north. At these distances, safe stopping speeds are not more than 58 miles per hour and 90 miles per hour, respectively. He conducted speed measurements past the subject site during peak hours and found, as indicated in his report, no vehicles travelling in excess of the safe stopping speeds. He described the proposed use as a "Zero Trip Producer" and in his expert opinion, the use as a service station would not produce any increase in traffic.

Mr. Morris' testimony was subject to vigorous cross-examination by the Protestants. While he did not deny the possibility of stacking of vehicles on the site and traffic accidents, he considered such a condition to be remote and would not change his expert opinion that the proposed use would not create any traffic congestion or any potential for traffic accidents. He repeated his opinion given on direct examination that the proposed site would have no effect on the health, safety, or general welfare of the surrounding neighborhood. Nor did he feel that there would be a hazard from fire, overcrowding or any other dangers.

The Protestants offered testimony that traffic would be a problem and that stacking of vehicles into Belair Road would occur causing potential traffic accidents. Sophie Raab and Thomas Vecchione, who both reside on Raab Avenue, testified that it is

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difficult to get in and out of Raab Avenue during peak traffic hours and that the intersection is a traffic hazard due to limited sight distance and the existence of a hill crest. Their chief concerns were that the access way to the site which is located farther north of the intersection would create an additional traffic hazard similar to that of Raab Avenue.

The Board has considered all of the testimony offered on the traffic issues. The Board is persuaded by the expert testimony of Robert Morris and his supporting Traffic Analysis. His testimony is uncontradicted that a service station is a "Zero Trip Producer" and as such does not generate any new traffic on its own. The testimony further indicates that the sight distances both to the north and south are adequate for speeds in excess of 40 miles per hour, the posted speed limit on Belair Road, and for safe stopping speeds. As to the potential for unsafe stacking of vehicles at the site and on to Belair Road as asserted by the Protestants, the evidence only establishes this to be a remote possibility. No evidence was offered by the Protestants to show that any stacking had occurred along Belair Road in this general area and absent any such evidence, this Board cannot conclude or speculate that stacking will in fact occur at the proposed site.

The Board finds that the requirements of both Sections 502.1 and 405.3 of the BCZR have been met by the Petitioner as to potential traffic hazards and congestion. In addition to meeting the above requirements, the Petitioner has satisfied to this Board that the proposed use will not have any adverse effect above and beyond those normally associated with such a special exception use irrespective of its location within the zone. See Schultz v.

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Pritts, 291 Md 1 (1981).

As to the gasoline storage tanks, the Plan proposes four 10,000-gallon tanks to be located underground on the front south side of the site. The Protestants contend that this location poses a potential fire hazard. Further, they express concern over the possibility of gas spillings during deliveries. The testimony offered was that if stacking or a rear-end collision were to occur a fire might occur and the tanks could become ignited, or a dropped match or cigarette in the area could ignite the tanks. The Board is not persuaded by this testimony. Such evidence as presented by the Protestants is too remote and speculative in nature for this Board to find that there is a "potential hazard from fire, paint or other danger" as set out in Section 502.1 of the BCZR.

The Petitioner's Plan has been reviewed by the CRG and comments have been submitted by various agencies reviewing the proposed service station operation. Included in these reviewing agencies was the Fire Department and the Department of Environmental Protection and Resource Management (DEPRM). This Board is of the opinion that if the location of the proposed gas tanks and the potential for fire did exist an appropriate comment would have been made, certainly by the Fire Department if not by DEPRM.

With regard to possible gasoline spillage during delivery and the further possibility of harmful effects to the area, the Board finds that the testimony does not support such a finding. Testimony in the Petitioner's case indicated that it is customary to take all precautionary measures to avoid the possibility of a gas spill. The Petitioner acknowledged that there is always the

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possibility of a gas spill but that such instances are rare. Mr. Charles Rogdanovic, the project manager for Amoco Oil, testified that the storage tanks to be installed are of a new design and that a baffle mechanism for containing a gas spill is to be provided. He stated that a spill would be contained within the storm water management system and would be limited to the site. The Protestants have raised the issue of a possibility of a gas spill, but have not provided sufficient evidence to support a finding by this Board that the public health, safety and general welfare of the local community is endangered by the proposed use or that the Petitioner has failed to meet the requirements of Sections 502.1 and 405.3 of the BCZR.

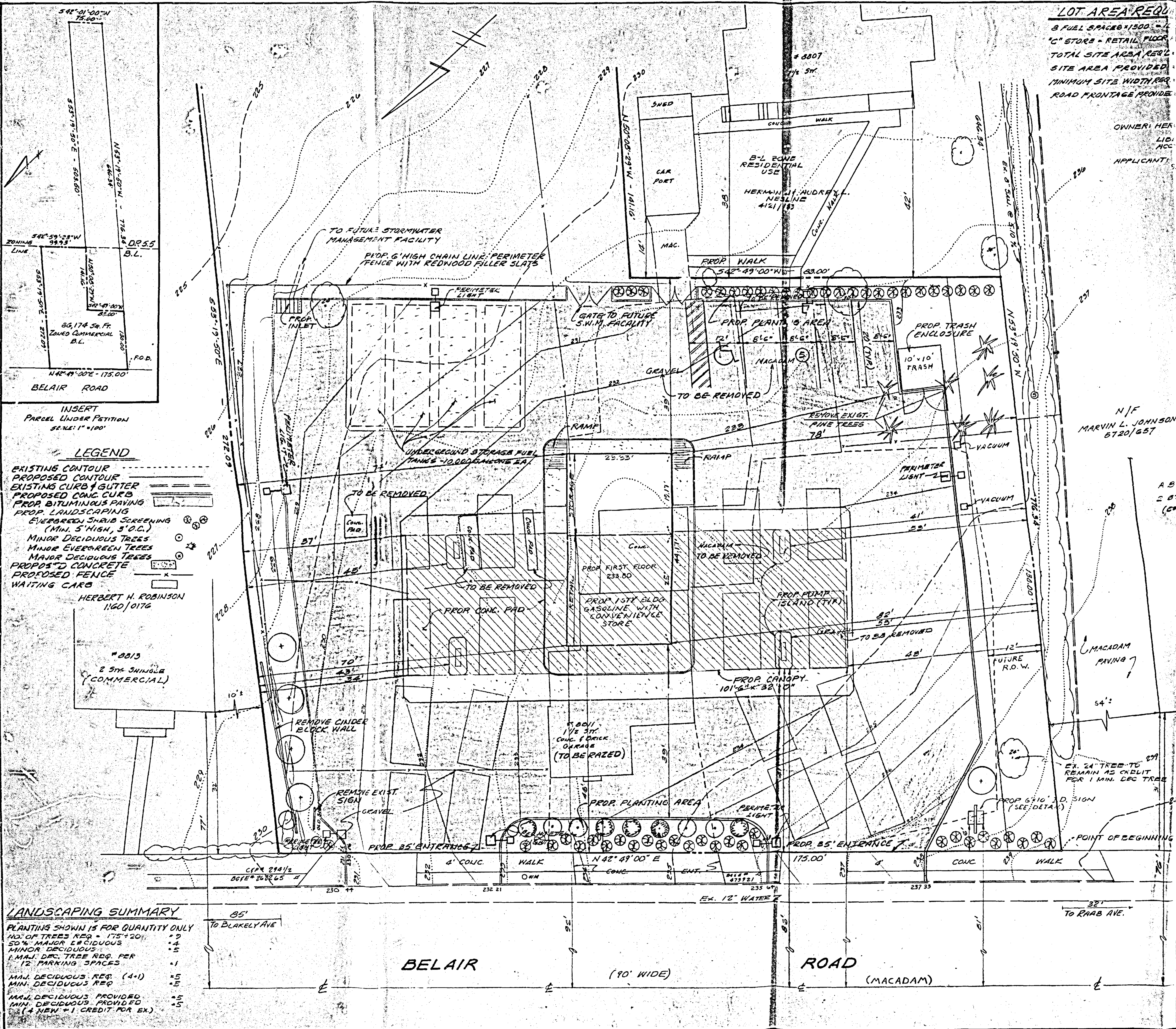
It is also contended by the Protestants that the proposed use will result in an increase in crime in the area. In support of their contention, the Protestants offered into evidence a list of thefts and 15 police reports indicating crimes of robbery in the area during the past 2 years (Protestants' Exhibits No. 8A and 8B). Based upon these records alone, the Protestants conclude that there will necessarily be an increase in crime if the Petitioner's proposed use for a service station and food store is granted. The Board has reviewed the crime statistics and cannot determine without any further information or data whether there is or is not a high incident of crime within this particular area compared to other areas of the County. It is significant to point out that the list of thefts (Protestants' Exhibit No. 8A) are principally auto thefts or auto accessory thefts which are totally unrelated to the use as proposed in this case. Also, the police reports indicate robberies occurring either to persons or at business locations,

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none of which are a service station. Of the 15 robbery reports, only four are remotely related to the proposed use. The Board finds that the crime statistics standing alone are not sufficient evidence to support the contention that the granting of the proposed use would result in an increase in crime.

The Plan calls for the installation of a storm water management pond to be located in the rear of the property. The Protestants contend that the pond constitutes a danger to children living in the area. Again, this Board does not feel the evidence presented by the Protestants is sufficient to justify a finding that the installation of the storm water management pond is inherently dangerous to the neighborhood children. As pointed out by the Petitioner in his Memorandum, the requirement of a storm water management pond is a development requirement which would be required by any use made of the site, including uses permitted as a matter of right. The evidence discloses that the Plan with the proposed pond was submitted under the CRG process and reviewed by the various County agencies. A review of the comments by this Board does not disclose any adverse comments concerning the presence of any anticipated danger to children in the community. Without any evidence presented to this Board by the Protestants in support of their contention or the existence of any comments by the reviewing agencies suggesting that a dangerous condition will exist, the Board must conclude that there exists no reasonable probability of danger or adverse effects on the community by the installation of the storm water management pond.

Lastly, the Protestants contend that the Petitioner has failed to show the need for another service station in the area as

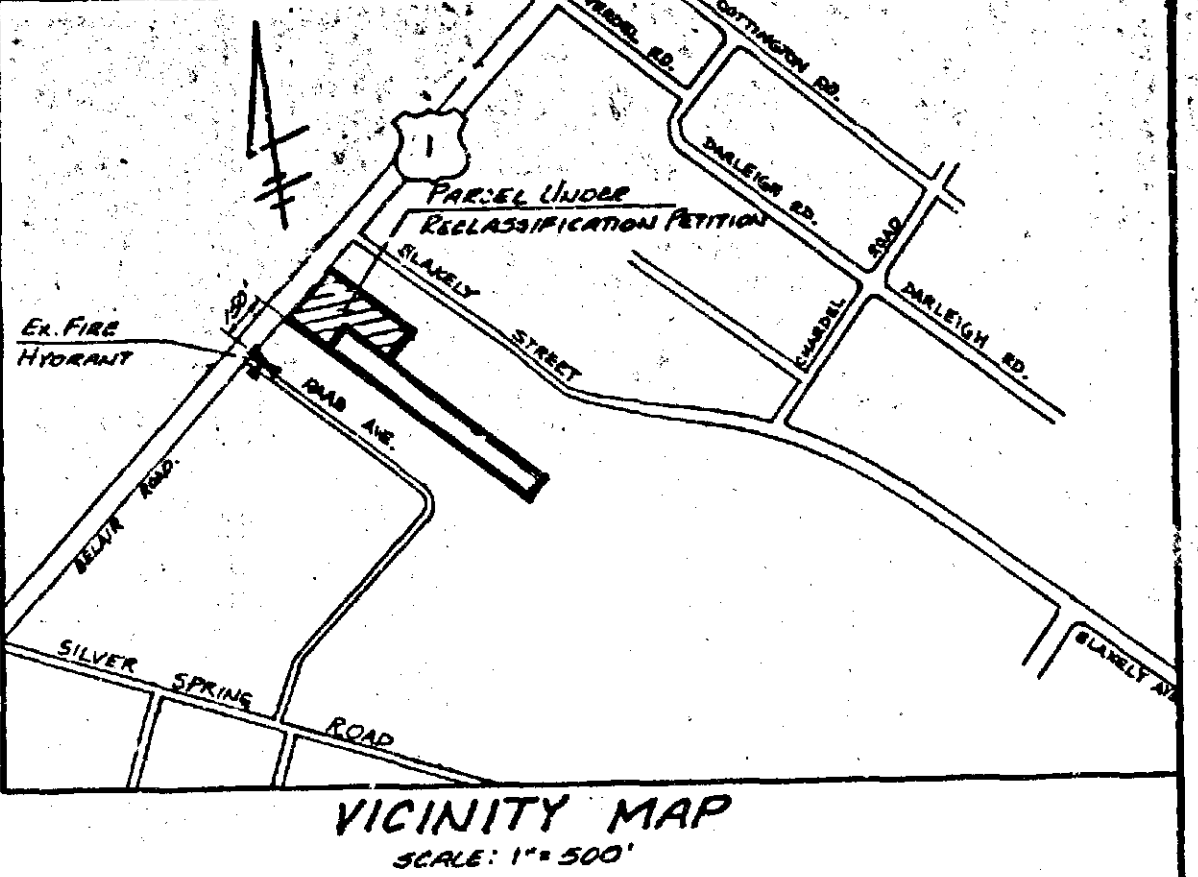


LOT AREA REQUIREMENTS

8 FUEL SPACES	1500 S.F. (15,000 S.F. MIN.)
"C" STORE - RETAIL FLOOR	SA = 4' x 23' x 25' x 4' = 2300 S.F.
TOTAL SITE AREA REQ'D	17300 S.F.
SITE AREA PROVIDED	PG 174 S.F.
MINIMUM SITE WIDTH REQ'D	130'
ROAD FRONTAGE PROVIDED	175'

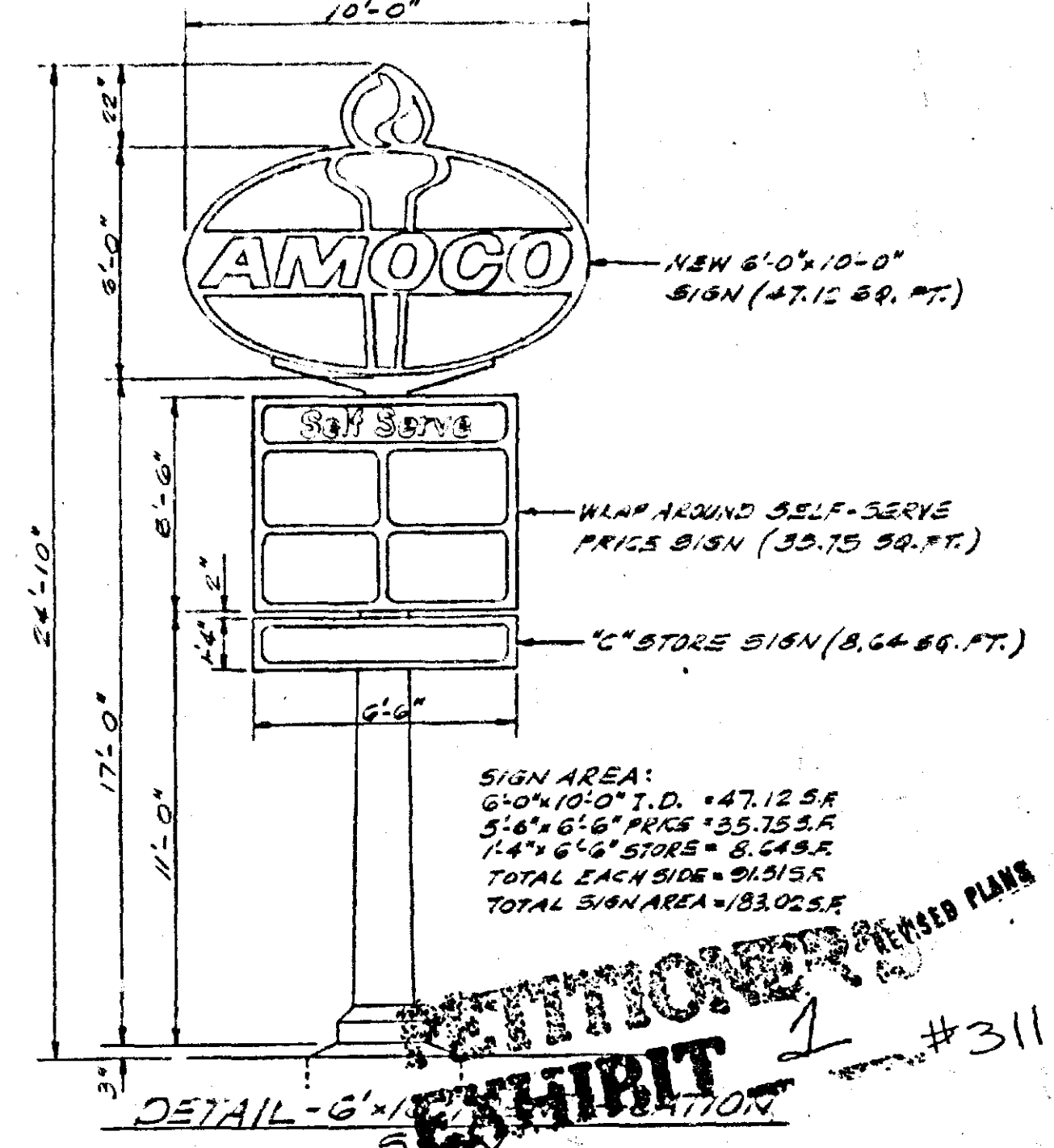
OWNER: HERMAN J. AUDREY L.
VESLINE
LID# 4121/183
ACC# NO 11-18-011220

APPLICANT: AMOCO OIL COMPANY
C. T. BORDHANOWICZ
1520 GREEN RD.
MILWYN, MD. 21013



NOTES

1. BEARINGS SHOWN REFER TO THE TRUE MERIDIAN AS ESTABLISHED FOR THE BALTIMORE COUNTY METROPOLITAN DISTRICT.
2. ELEVATIONS SHOWN REFER TO BALTIMORE COUNTY DATUM. BENCH MARK HUB NO. 14550 ELEV. 224.981. R.R. ENGINE IN MAG. SOUTH EAST SIDE OF BELAIR ROAD @ BLAKELY AVE.
3. AREA OF PROPERTY: 36174 SQ. FT. OR 0.83 AC. ±
4. EXISTING ZONE: SL
5. PROPOSED ZONE: EL. CND WITH SE. FOR AUTOMOTIVE SERVICE STATION, AND CONVENIENCE STORE, AND A VARIANCE FOR SIGN AREA.
6. EXISTING USE: GARAGE
7. PROPOSED USE: GASOLINE STATION WITH CONVENIENCE STORE.
8. ALL EXISTING STRUCTURES ON SITE TO BE RAZED.
9. OFF STREET PARKING (GROSS FLOOR AREA = 1030 S.F.) SHALL BE REQ'D @ 5 SPACES/1000 S.F. GROSS FLOOR AREA. 5 PARKING PROVIDED. ALL PARKING SPACES SHALL BE 9' x 20'. ALL PAVING SHALL BE BITUMINOUS CONCRETE SURFACE. ALL CURB SHOWN ON SITE SHALL BE 3" x 6" x 8" W. CONCRETE. SCREENING SHALL MEET THE REQUIREMENTS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.
10. LIGHTING SHALL BE A MAXIMUM OF 14' HIGH. PERMETER LIGHTS SHALL BE DIRECTED DOWNWARD AND INTO SITE.
11. LANDSCAPE REQUIREMENTS:
a) EVERGREEN BYCUBS PLANTED 3' ON CENTER, MIN. 5' HIGH, ALONG PLANTING AREA AT BELAIR ROAD.
b) PLANT QUANTITY - SEE LANDSCAPE SUMMARY.
12. LOCATION OF EXISTING FIRE HYDRANT IS SHOWN ON VICINITY MAP.



- LEGEND**
- EXISTING CONTOUR
 - PROPOSED CONTOUR
 - EXISTING CURB & GUTTER
 - PROPOSED CONC. CURB
 - PROP. BITUMINOUS PAVING
 - PROP. LANDSCAPING
 - EVERGREEN SHADE SCREENING (MIN. 5' HIGH, 5' O.C.)
 - MINOR DECIDUOUS TREES
 - MINOR EVERGREEN TREES
 - MAJOR DECIDUOUS TREES
 - PROPOSED CONCRETE
 - PROPOSED FENCE
 - WAITING CAR

LANDSCAPING SUMMARY

PLANTING SHOWN IS FOR QUANTITY ONLY	
NO. OF TREES REQ'D - 175' x 20'	2
50% MAJOR DECIDUOUS	4
MINOR DECIDUOUS	5
1 MAJ. DEC. TREE REQ'D PER 12' PARKING SPACES	1
MAJ. DECIDUOUS REQ'D (4-1)	5
MIN. DECIDUOUS REQ'D	5
MAJ. DECIDUOUS PROVIDED	5
MIN. DECIDUOUS PROVIDED	5
(4 NEW + 1 CREDIT FOR EX.)	

AMOCO OIL COMPANY
SITE PLAN FOR RECLASSIFICATION AND
PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
8809-8811 BELAIR ROAD
ELEVENTH ELECTION DISTRICT
BALTIMORE COUNTY,
MARYLAND

APR
APR ASSOCIATES, INC.
ENGINEERS - ARCHITECTS

SCALE: 1" = 10'
JANUARY 28, 1988

required by the zoning regulations. Section 405.3D requires that there must be a probability of a reasonable public need for a proposed service station. Section 405.3D states:

"That, at the time the Petition is heard, there is evidence of the probability of a reasonable public need for the proposed automotive service station. The Zoning Commission shall consider that the presence of one abandoned service station within a one-half mile radius of the site of the proposed service station establishes, absent evidence to the contrary, a prima facie presumption that there is no evidence of the probability of a reasonable public need for such proposed service station. The Zoning Commission may find, however, that this prima facie presumption is rebutted by market data or other evidence submitted by the Petitioner."

The Protestants offered into evidence a list of service stations within a mile of the subject site which at one time were existing service stations but which had changed use over the course of time. Protestants argue that these changes in use constitute "abandoned" service stations and therefore give rise to the prima facie presumption that there is no need for an additional service station. The Board does not agree with Protestants' position. There is a significant distinction between a service station which has been abandoned and one where its use has been converted. It does not reasonably follow that every service station which ceases to exist as such becomes abandoned. Under Section 405.6A of the BCZR, the County Council specifically addressed what it considers to be an abandoned service station.

"In General. The County Council of Baltimore County recognizes that at times the public need for automotive service stations at particular locations ceases to exist and, as a result, those stations become abandoned. The County Council further recognizes that an abandoned service station which is left to deteriorate can become a threat to the health, safety and welfare of the community, can have a blighting influence on surrounding properties and can cause a deterioration of the use, value and enjoyment of property in the immediate neighborhood."

variance should be granted.

ORDER

IT IS THEREFORE this 20th day of June, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Exception for an automotive service station (Gas-N-Go) in combination with a convenience food store with less than 5,000 square feet of retail sales area in accordance with Petitioner's Amended Plan, and a variance to permit one business sign with a total of 183.02 square feet in lieu of the permitted three business signs of 100 square feet total per sign be and are hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The variance granted is limited to one business sign of the size and dimensions set forth in Petitioner's Amended Plan.
3. No part of the sign requested shall be within the required building setbacks.
4. All lighting for the subject property shall not exceed 12 feet in height. Further, all lighting shall be directed away from any residential properties.
5. Compressed air and water shall be provided at no charge to customers.
6. Prior to the issuance of any permits, Petitioner shall obtain CRG approval of the development plan.
7. Petitioner shall submit a landscaping plan for approval by the Baltimore County Landscaping Planner which shall include additional landscaping in excess of that required by the County Landscaping Manual to buffer the subject property from the residents along Raab Avenue.
8. Petitioner shall comply with all requirements of the

Having the benefit of Section 405.6A, this Board is of the opinion that the term "abandonment" is intended to apply only to service stations that are "left to deteriorate [and] become a threat to the health, safety and welfare of the community." Further, it is clear to this Board that the Council never intended a service station which ceases to exist to take on the permanent, unchangeable designation of an abandoned service station unless the property owner chooses to do so. Section 405.6B of the BCZR provides for the conversion of vacated service stations to other uses. Upon reading both Section 405.6A and 405.6B, it is clear that the County Council recognized a distinction between an abandoned service station where the condition of the property became deteriorated leaving a blight on the community and a conversion where the property continues to be maintained with a change in use.

The Board's finding that the service stations within the one-mile area of the subject site are not abandoned stations gives no rise to the prima facie presumption that there is no probability of a reasonable public need for an additional service station. However, this does not relieve the Petitioner of the burden of establishing need. In support of need, the Petitioner offered the testimony of L. Rodney Compton, a business development representative of Amoco Oil Company. He testified that his specific duties are to determine whether public need exists in the area where a new service station is proposed. His testimony established that he performed a personal inspection of the site, determined the population trends of the area, traffic patterns and flow, and took into consideration the size of nearby housing

Zoning Plans Advisory Committee and all requirements as set forth in the comments of the various County agencies submitted under the CRG process.

9. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Michael B. Bauer

Lynn B. Moreland
Lynn B. Moreland

developments and newly proposed developments. He determined the number of stations in the area and utilized the maps and traffic counts of the State Roads Commission to determine traffic volume. In his opinion, there was a public need for a service station at the site if the traffic volume on Belair Road exceeded 30,000 cars a day. His findings were that daily traffic volume exceeded 40,000 vehicles a day and he had no reason to believe that the volume would not continue to rise. Based upon his factual findings, it was his opinion that there was clearly a public need for an additional station at the proposed site. The expert testimony given by Mr. Compton as to public need was subject to cross-examination by the Protestants. His factual findings, particularly with regard to the amount of daily traffic flow on Belair Road supporting public need, remained uncontradicted. Protestants offered no expert testimony in opposition to the testimony of Mr. Compton.

This Board is persuaded by the expert testimony of Mr. Compton and finds that the Petitioner has met the burden of establishing public need for an additional service station.

As to the requested sign variance, the Petitioner requests a variance from Section 413.2.f to allow one business sign with an area of 183.02 square feet in lieu of the permitted three business signs with a total area of 100 square feet. The reasons given by the Petitioner for the requested variance are that it will be difficult to effectively advertise the location of the business and products available and that the variance is necessary for compliance with laws governing advertising of pricing.

The Petitioner proposes to erect the single business

identification sign on the front portion of the south side of the property. The double-sided sign would face both northbound and southbound traffic on Belair Road. The top portion of the sign would be the standard Amoco logo, the middle sign would be the pricing of gasoline as is required to be advertised by law, and the bottom portion would identify the convenience store. Mr. Bogdanowicz, the project manager with Amoco Oil Company, testified that the sign will be similar in size and design to that of several other signs located at Amoco stations throughout the Baltimore County area.

Where strict application of zoning regulations would cause practical difficulty to the Petitioner and his property, an area variance may be granted. McLean v. Soley, 270 Md. 208 (1973). In order for a variance to be granted, practical difficulty must be shown and the Petitioner must meet the following:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The testimony establishes that the requested variance would not be contrary to the spirit of the zoning regulations and would not result in any substantial or real detriment to the public health, safety, and general welfare. For the reasons given above, the Petitioner's request for the special exception and sign

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - SE/S Belair Rd., 32' NE of Raab Ave. (8809-8811 Belair Road) 11th Election District 6th Councilmanic District
Herman J. Nesline, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to use the subject property for an automotive service station (Gas-N-Go) in combination with a convenience food store with less than 5,000 sq.ft. of retail sales area, and a variance to permit one business sign of 183.02 sq.ft. total in lieu of the permitted three business signs totalling 100 sq.ft., all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, Mr. & Mrs. Herman J. Nesline, and the Contract Purchaser, Amoco Oil Company, by Charles T. Bogdanowicz, Project Engineer, and L. Rodney Compton, Real Estate Managing Agent, appeared, testified, and were represented by Anthony J. DiPaula, Esquire. Also appearing and testifying on behalf of the Petitioners was Richard Truelove with APR Associates. Appearing as Protestants in the matter were Thomas L. Vecchione and Sophie Raab.

Testimony indicated that the subject property, known as 8809 - 8811 Belair Road, consists of 36,174 sq.ft. zoned B-1, and is improved with a service garage. Mr. Nesline testified that he has operated a service garage from the subject location since approximately 1935. Testimony indicated that due to his deteriorating health, Mr. Nesline has entered into a lease agreement with Amoco Oil Company for the subject property. Petitioners have retained the area to the rear of the property, known as

8807 Belair Road, which is their private residence. Mr. Nesline testified that in his opinion the proposal made by Amoco Oil Company will be an improvement for the site as the property had become run down and a general eyesore due to his inability to adequately maintain the property.

Mr. Bogdanowicz testified that Amoco Oil Company intends to enter into a long term lease agreement for the use of the property as a service garage in combination with a convenience food store. All existing structures on the site will be razed and improvements made as set forth in Petitioner's Exhibit 1.

Mr. Truelove, a registered professional engineer, testified that in his opinion the conditions set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) would be met by this project. He testified that the site plan identified as Petitioner's Exhibit 1, has been revised to meet the requirements of the Maryland State Highway Administration with respect to access to the site and a right-of-way easement for the future widening of Belair Road. He further noted that a CRG waiver was obtained for the subject property. Mr. Compton testified as to the desirability of the site for the proposed use.

As to the requested sign variance, Petitioners testified in their opinion the proposed sign variance is necessary in order to provide adequate identification to vehicles travelling on Belair Road. Subsequent to the hearing as requested, Petitioners submitted a proposal for a smaller identification sign, which has been incorporated into the file and marked Petitioner's Exhibit A. Said sign consists of 158.28 sq.ft. total in lieu of the originally requested 183.02 sq.ft. Further, Petitioners introduced sample lighting fixtures which have been marked Petitioner's Exhibit B.

The Protestants testified they are both residents of Raab Avenue, which is approximately 150 feet from the subject property. Both testified as to their concern for development of the property as a service station with a convenience store due to the potential increase in traffic, noise, and activity at this location. They testified they now have difficulty exiting from Raab Avenue onto Belair Road and believe the proposed project will further exasperate the traffic situation.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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After reviewing all of the testimony and evidence presented, it appears that the specific exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the requested variance, as hereinafter modified, is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and a variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of May, 1989 that the Petition for Special Exception to use the subject property for an automotive service station (Gas-N-Go) in combination with a convenience food store with less

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than 5,000 sq.ft. of retail sales area, in accordance with Petitioner's Exhibits 1 and 2, and a variance to permit one business sign with a total of 158.28 sq.ft. in lieu of the permitted three business signs of 100 sq.ft. total per sign, in accordance with Petitioner's Exhibit A, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variance granted is limited to one business sign of the size and dimensions set forth in Petitioner's Exhibit A.
- 3) No part of the sign requested shall be within the required building setbacks.
- 4) All lighting for the subject property shall be of the starbeam series as depicted in Petitioner's Exhibit B and shall not exceed 12 feet in height. Further, all lighting shall be directed away from any residential properties.
- 5) Compressed air and water shall be provided at no charge to customers.
- 6) Prior to the issuance of any permits, Petitioners shall obtain CRG approval of the development plan. If there are any changes, the plan shall be submitted to the Deputy Zoning Commissioner for approval and a determination that said changes, if any, are within the spirit and intent of the zoning regulations.
- 7) Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscaping Planner which shall include additional landscaping in excess of that required by the County Landscaping Manual to buffer the subject property from the residents along Raab Avenue.

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8) Compliance with all requirements of the Zoning Plans Advisory Committee as set forth in their comments submitted hereto.

9) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 5/9/89
By John J. Schuman

- 6 -

PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE *
SE/S Belair Road, 32' NE of *
Raab Ave. *
(8809-8811 Belair Road) *
11TH Election District *
6th Councilmanic District *
Herman J. Nesline, et ux *
Petitioners *

BEFORE THE
BOARD OF APPEALS
FOR BALTIMORE COUNTY
CASE NO.

APPELLEES' MEMORANDUM

Amoco Oil Company and Herman T. Nesline, et ux, Appellees, pursuant to the Board's request made at the conclusion of the hearing of this matter on February 21, 1990, hereby submit this Memorandum setting forth its closing argument and applicable law in support of their Petitions.

I. INTRODUCTION

As the record reflects in this case, on or about January 24, 1989, Amoco Oil Company and the Neslines submitted a Petition for two (2) Special Exceptions, one to operate a gas and go facility pursuant to Section 230.13 of the Baltimore County Zoning Regulations (BCZR), and the other for a food store with less than 5,000 square feet in combination with the gas and go facility pursuant to Section 405.4D.8. In addition, a Petition for Variance for one (1) business sign with an area of 133.02 square feet in lieu of three (3) business signs with a total area of 100 square feet as permitted was also filed pursuant to Section 413.2.f. The property in question is known

as 8909-8911 Belair Road, located on the south side of the roadway, just north of Silver Spring Road. The current zoning of the property is BL-CNS.

A hearing on the Petitions was held before the Deputy Zoning Commissioner for Baltimore County on April 12, 1989 at the conclusion of which, by Order dated May 8, 1989, the Petitions were granted. The Deputy Zoning Commissioner did reduce the permitted signage to 158.28 square feet in the final Order. An appeal was then filed by one of the protestants, Sophie Raab, on May 15, 1989.

As part of the Deputy Zoning Commissioner's Order, the Petitioners had to submit the proposed development plan to the County Review Group (CRG) for approval. A revised plan showing any changes or revisions required by the CRG was to be submitted to the Deputy Commissioner for review and further hearing if she deemed it necessary. During the pendency of this appeal, the plans were submitted, and as a result of various CRG comments, the plan was revised at the County's request to realign the improvements on the site to create better traffic flow. All CRG comments, copies of which are part of the record, have been addressed and incorporated into the plan which now awaits a decision on the required zoning approvals before final CRG approval can be issued. The revised plan with

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all of the CRG's revisions was filed with the Zoning Office, with a copy to the Board on November 2, 1989. The record reflects that the Deputy Zoning Commissioner reviewed the revised plan and approved same.

When the matter was called for hearing before the Board on November 7, 1989, it was determined then that it would be appropriate to postpone the matter to allow the Protestant additional time to review the revised plan. The matter was then continued to January 18, 1990 at which time testimony was taken. The hearing was continued for further testimony on February 21, 1990, at the conclusion of which this Memorandum was requested. The sole parties to this appeal are Sophie Raab, Appellant/Protestant, and Amoco Oil Company and Herman J. Nesline and Wife, Appellees/Petitioners. The Neslines own the property, and Amoco is a proposed lessee/contract purchaser.

II. OPERATIVE FACTS

The subject property is presently improved by a brick storefront-type structure with an adjacent storage yard enclosed by a stockade fence. The property was used as of 1935 as a service garage and auto parts business, with automobile parts and bodies being stored in the fenced yard. The property was continuously used as a service garage until 1986, after which other businesses utilized the building, including a coin

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shop and later a video rental establishment. At present, the property is not being used, and there is unsightly junk, auto parts and bodies in the yard.

The evidence adduced at the hearing was that Amoco has entered into a long term lease with the Neslines for a portion of the Nesline tract. The lease is contingent upon the approval to build and operate a gas and go facility with combination food store. The Neslines live behind the subject property, and will have access through the subject site to and from their residence.

Witnesses called on behalf of the Petitioners included Richard Truelove, a professional engineer with the firm of APR Associates; Charles T. Bogdanowicz, Amoco Project Engineer and Real Estate Representative; Robert L. Morris, an expert in the field of traffic engineering and transportation planning; L. Rodney Compton, Amoco Business Development Representative; and Herman Nesline, owner of the property.

Without reviewing piece by piece all of the testimony and evidence produced during the two day hearing, it would be the Appellees' position that more than the requisite amount of testimony and evidence required to satisfy BCZR Sections 502 and 405, as well as Section 307 to support the variance was produced at the hearing. Instead, in the argument section of

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this Memorandum, attention will be focused on the arguments made by the Appellant/Protestant to support her position that the requirements of those sections have not been met and that the decision of the Deputy Zoning Commissioner should be reversed.

III. ARGUMENT

The reasons given by the Appellant/Protestant to support her appeal and her position that the Deputy Zoning Commissioner was wrong, and that the Special Exceptions and Variance in this case should not be granted can briefly be summarized and listed as follows: (1) The development will be a traffic hazard and otherwise increase traffic flow on Belair Road which is already overburdened; (2) The location of the underground storage tanks as shown on the revised plan create the potential of fire due to anticipated automobile rear end collisions from cars entering the site at the southernmost entrance; (3) The danger of gasoline spills during deliveries by the fueling trucks; (4) The anticipated increase in crime due to the food store combination use; (5) The danger to any children who may live in the surrounding area created by the storm water management drainage pond to be located on the rear of the subject property; and (6) The lack of sufficient evidence to support the need for another gasoline station. Each

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of these assertions will be addressed separately.

With respect to traffic, the uncontroverted and unequivocal testimony of Robert Morris, a learned expert in the field of traffic engineering and transportation planning, was that in reviewing the permitted uses for this site, both those permitted as of right and by Special Exception, the proposed use is the only one which is not a traffic generator. He described it as a "Zero Trip Producer". It was his professional and expert opinion that the proposed use is a traffic receptor such that it draws from existing traffic and does not create any new traffic of its own. This is very significant, especially in light of the test for evaluating whether a Special Exception should be granted which was set forth by the Court of Appeals in the case of Schultz v. Pritts, 291 Md. 1 (1981). Judge Davidson, speaking for the Court, said:

We now hold that the appropriate standard to be used in determining whether a requested Special Exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a Special Exception use irrespective of its location within the zone.

Id. at 22-3 (citations omitted). The fact that the proposed use is the only use either permitted by right or by Special Exception that is not a Trip Producer not only satisfies the

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Schultz test of adverse effects above and beyond those normally associated with the use, but should be looked upon as an aid to existing traffic conditions since it draws existing traffic from the flow.

Despite repeated attempts on cross-examination to have Mr. Morris express the opinion that there was a distinct possibility of serious traffic accidents caused by vehicles stacking and extending out of the southernmost entrance to the site into the right lane of northbound Belair Road, Mr. Morris recognized such a scenario as such a remote possibility that it would not affect his opinion that the proposed use would not create traffic congestion or such danger. His report was introduced into evidence showing the traffic counts, as well as the summary of his findings and conclusions regarding safe stopping distances, average speeds on Belair Road, and other factors supporting his opinion.

The Protestant could not produce any evidence to support her claim that stacking of vehicles out of the southern access point would occur, and in fact testified to the contrary that she had never observed stacking at any other site along Belair Road. She further seemed to criticize the fact that the southernmost entrance was to be narrowed and used solely as an entrance for northbound traffic, despite the fact that it was

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done at the County's recommendation. Furthermore, and unfortunately for her, the County's experts who expressed their views through CRG comments did not support her position. Also, one of her neighbors who lives on Raab Avenue as well, Mr. Vecchione, had no knowledge of rear-end collisions at the subject location, or even further south where he and others would turn into Raab Avenue or APC Rental where sight distance for northbound traffic would be less than at the subject site.

The second factor raised by the Protestant concerns the location of the underground storage tanks. It was expressed by the Protestant's witnesses that because of the possibility of rear-end collisions at the southernmost entrance to the site, these collisions that would possibly result in fires would possibly ignite the underground tanks. No one could testify that they had ever heard of underground tanks igniting under any circumstances, especially the scenarios described by them. One witness even proposed a scenario whereby a waiting motorist would drop a cigarette from the car window that would ultimately ignite a tank. Suffice it to say that some comments and some opinions are better left unaddressed and to stand on their own merit. Furthermore, if any of these concerns were of any real merit, one would think that the fire department would have commented accordingly

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during this course of the CRG review. The CRG comments reflect otherwise. One Protestant witness who lived more than a mile from the site and who ostensibly represented an improvement association, Mr. Louis Waldner, was concerned with underground contamination caused by the tanks, however, he admitted that not only his property but all the properties in the general vicinity are all served by public water and sewer. This concern was further addressed by Amoco witness Charles Bodanowicz who testified as to the new tanks, their design, and useful life.

Appellant also raises the question of whether the storm water management pond to be located in the rear of the subject property would constitute a danger to any children that may live in the neighboring vicinity. The testimony adduced by the Petitioners/Appellees was that the pond would never have more than four to nine feet of water due to run off from the site and that any such water would be directed through a natural course into a neighboring stream. Water in the pond would only be anticipated after unusually heavy rains, and would subside after a very short period. The Board must also consider, however, that such a pond is not primary to the proposed use but is only a development requirement that would be required by any use made of the site, including and

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especially uses which are permitted as of right and would not require a special exception. Furthermore, undoubtedly the county agencies responsible for reviewing the plan during the course of the CRG approval process would surely have recommended changes to the plan if such a danger were present or even anticipated. No such comments have been made as evidenced by those submitted as a Petitioners' exhibit.

Appellant/Protestant argued strenuously that the proposed use would substantially increase the crime in the area, however, the evidence presented to support her proffers and argument falls painfully short of proving any such claim. The evidence introduced consisted of crime statistics for several blocks of the Belair Road corridor, most of which involved crimes totally unrelated to a use such as that proposed in this case, and those that were even remotely similar in nature were of establishments with a different layout and mode of operation than that proposed here. What was not introduced was any evidence upon which the Board could draw a conclusion that there would be an increase in crime if the Petitions were granted. Simply introducing crime statistics as they exist does not even give a basis for drawing an inference that crime will increase, nor does it give the Board anything to which to compare those statistics. The numbers represented

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in the crime reports could very well mean that that section of Belair Road is the "garden spot" of Baltimore County. In addition, Appellant/Protestant seemed to criticize the Petitioners for incorporating into their plan precautions against crime such as electromagnetic locks, a video monitor system, and a design that would protect the employees from threats of robbery. She interprets this as an admission that crime is automatically anticipated rather than a wise deterrent as intended. None of these precautions are common to the establishments that do experience frequent robberies such as "High's" where there is always face to face dealings with the public. Again, no evidence was introduced to show that the proposed use would offer any further increase in crime than what would be incidental to a use permitted as of right.

The next argument made by Appellant/Protestant for reversal of the Deputy Zoning Commissioner's decision and denial of the Petitions in this case concerns the threat of gasoline spills and the harmful effect that such spills would have on the area. Unfortunately, Protestant could only point to one incident based upon a newspaper account where such an incident occurred, and had no information concerning the likelihood of such an incident ever occurring again. Furthermore, it should be noted that the Amoco representative,

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C. T. Bogdanowicz, testified as to the baffle mechanism for containing a spill, incorporated into the storm water management system, so as to limit it to the site. This remote possibility can hardly be considered sufficient ground for finding that the public health, safety and general welfare is seriously endangered by the proposed use.

The primary thrust of the Appellant/Protestant's case against the Petitions is a claim of lack of need for a service station in the area. One of the elements required to be proven in order to obtain the Special Exception for the gasoline station is the probability of a reasonable public need for same. BCZR 405.3.D. There are presumptions built into the regulations that there is no need if there is an "abandoned service station" within a one-half mile radius or two such stations with a one mile radius of the site of the proposed station. Id. The regulations further provide that the presumption can be rebutted by market data or other evidence submitted by the Petitioner. Id.

In support of her claim that there is no need, the Appellant/Protestant introduced evidence of various sites within a mile of the subject site which at one time were used as service stations but which had changed use over the course of time. It is her position that these sites constitute

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"abandoned" service stations within the meaning of the above referenced section, thereby creating the presumption of lack of need.

Under BCZR Section 405.6, the County Council specifically addressed abandoned service stations. Subsection A of that section provides:

- A. In General. The County Council of Baltimore County recognizes that at times the public need for automotive service stations at particular locations ceases to exist and, as a result, those stations become abandoned. The County Council further recognizes that an abandoned service station which is left to deteriorate can become a threat to the health, safety and welfare of the community, can have a blighting influence on surrounding properties and can cause a deterioration of the use, value and enjoyment of property in the immediate neighborhood.

It is clear that the term "abandoned" is intended to apply only to stations which are "left to deteriorate [and] become a threat to the health, safety and welfare of the community".

As an inducement to leaving a service station site to abandonment, thereby creating blight and unsightliness, the Council enacted subsection B to facilitate conversion of such sites to other uses. It is the Appellant's position that a change in use from a service station to some other use constitutes an abandonment. Besides the fact that there are countless other reasons why the owner of certain property may

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decide to convert the use of his property from that of a service station to some other permissible use, including but not limited to loss of lease, unfavorable financial arrangement with oil company, other business opportunity, health reasons, etc., all of which Appellant assumes not to exist, her position ignores the basic definition of "abandoned" or "abandonment" as it applies to property and as contained in Black's Law Dictionary, 5th Edition, page 3, where it states:

Property. "Abandoned property" in a legal sense is that to which owner has relinquished all right, title, claim, and possession, with intention of not reclaiming it or resuming its ownership, possession or enjoyment. [Citation omitted]. There must be concurrence of act and intent, that is, the act of leaving the premises or property vacant, so that it may be appropriated by the next owner, and the intention of not returning. Relinquishment of all title, possession, or claim; a virtual intentional throwing away of property.

A change in use does not create the deteriorated condition or the blighting influence which the County Council envisioned. Furthermore, an owner who changes the use is not leaving the property vacant with the intention of not returning, nor is he relinquishing all right, title and interest to the property.

Petitioners produced more than sufficient evidence to show a substantial need for an Amoco Service Station in the area, and through the introduction of traffic counts and population figures, clearly established the reasonable

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probability that a station is needed in the area. To accept the Appellant's position that any previous service station sites which have been converted to other uses should be considered abandoned ignores the clear and plain definition of the word. It also ignores the legislative intent as pronounced by the County Council in enacting Section 405.3.D. and 405.6 A and B of the Zoning Regulations. In addition, to adopt her position would require any future Petitioner to do a historical analysis through whatever methods available of all properties within a one mile radius of a proposed site to determine whether any sites were previously used as service stations, and if so, when and why their use was changed. That would be an undue burden never intended by the legislature.

While there may have been other less relied-upon concerns expressed by some of the witnesses on behalf of the Appellant/Protestant, none seemed to be relied upon greatly or consisted of more than just one person's individual opinion. It should also be noted that while Louis F. Waidner attempted to express the views of an organization known as the "Perry Hall Improvement Association", any opinions expressed by him in his representative capacity, to the extent the Board accepts his testimony in light of the documentation and resolutions filed, should be given their appropriate weight based upon the

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number of people for whom he ostensibly speaks. Specifically, the testimony adduced at the hearing was that the overall geographic area of the improvement association consists of approximately 15,000 households while the association boasts only 96 paid members, some of whom may be from the same household. The Association's view, held by a mere .6% of the local population, can hardly be said to be the view of the community in general.

IV. CLOSING

There can be no question that the proposed development will be nothing more than an improvement of not only the site but the entire surrounding area. It was approved below, has been reviewed by the various county agencies through the CRG process, and the comments containing suggested and/or required provisions received during the course of that review and introduced into evidence have been incorporated into the revised plan. While final CRG approval cannot be obtained until a final decision is received on the instant zoning petitions, the CRG hearing has been continued during the pendency of this proceeding.

As part of the record in this case, there is contained within the Board's file an Environmental Impact Statement which was prepared in connection with the reclassification of the

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property and introduced at the hearing before the Deputy Zoning Commissioner. Any possible adverse environmental effects of this proposed development have been recognized and addressed in that report.

When considering whether the Special Exceptions should be granted in this case, it is perfectly appropriate for the Board to consider how the proposed use with the Special Exception compares to any other use to which the property could be put as a matter of right without any further zoning approvals. From that perspective, the proposed development constitutes the least intrusive, cleanest, safest, less burdensome (from a traffic point of view and otherwise), and otherwise more desirable use of the property from the standpoint of the neighboring community than the existing uses and uses permitted as of right. The existing use exemplifies the blight which the County Council sought to avoid in enacting the sections of the Zoning Regulations governing abandoned service stations.

In apply the test set out by the Court of Appeals in *Schultz v. Pritts*, there have been no facts and circumstances presented that show that the proposed use as a gas and go with a convenience store at the proposed site offers any adverse effects above and beyond those inherently associated with this

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type use anywhere else, not from a traffic, crime, fire danger, environmental or any other point of view. Most, if not all, of the concerns and objections expressed by the Appellant require an unnatural stretching of the imagination to be considered actual threats to the health, safety and general welfare of the surrounding area.

For all of the above reasons, it is respectfully requested that the Board affirm the decision of the Deputy Zoning Commissioner and grant the Special Exception for the gas and go service station with a food store as a combination use, and the variance for the sign as requested. It would also be appropriate to make such grants subject to final CRG approval and any further revisions the CRG may require.

Respectfully submitted,

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(301) 828-9441
Attorney for Appellees/Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19 day of March, 1990, a copy of the foregoing Appellees' Memorandum was mailed

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first class, postage prepaid to Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, Maryland 21204, and People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Anthony J. DiPaula
Anthony J. DiPaula

90-03-20.bj

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IN RE * BEFORE THE BOARD OF APPEALS
HERMAN J. NESLINE, ET UX, * FOR BALTIMORE COUNTY
SE/S Belair Road *
32' NE of Raab Avenue *
11th Election District * Case No. 89-406-XA
6th Councilmanic District *
* * * * *

PROTESTANT'S MEMORANDUM

STATEMENT OF THE CASE

Petitioners, Mr. and Mrs. Herman J. Nesline, to the use of Amoco Oil Company, petitioned the Zoning Commissioner for zoning approval of an automotive service station combination with a convenience food store on less than 5,000 square feet and a sign variance request for a business sign 183.02 square feet in lieu of a business sign totalling 100 square feet.

After hearing the Zoning Commissioner, by Order dated May 8, 1989, approved the special exception and approved a sign variance for a reduced size of 158.28 feet while imposing nine conditions.

Timely appeal was taken by the Protestant, Sophie Raab, and the matter was heard by the Board of Appeals on November 7, 1989 and January 19, 1990 and February 21, 1990.

SUMMARY OF TESTIMONY

Petitioners' witnesses included Richard Trulove, Civil Engineer, with APR Associates, who had prepared the amended plat to accompany Petition for Special Exception. He testified that

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changes to Petitioners' Number 1 as submitted, which would be required, would include narrowing the southernmost entrance to the property to 20 feet, posting of the northernmost access to the property to allow exiting traffic only. He admitted that Raab Avenue dead-ended and did not cut through to Silver Spring Road as shown on his vicinity map, Petitioners' Exhibit 1. Further, that Blakely Avenue was not yet cut through as shown on the vicinity map, but dead-ended as well east of the Petitioners' property.

The principal changes in the Petitioners' plat as submitted to the Zoning Commissioner and that submitted to the Board of Appeals was mandated by CRG directed revisions with the following results. the pumping islands were made parallel to Belair Road; the convenience store was moved from the center of the pumps to the rear of the macadam for the service station; and the 40,000 gallon total fuel tanks were moved closer to Belair Road, nearest the proposed sole means of ingress.

Petitioners' next witness, Charles Bogdanowicz, testified that he was a project engineer for the last eight years for Amoco Oil Company, and that his job was to do the preliminary layout and cost estimate, and that he was responsible for construction, hiring attorneys, getting bids and supervising construction.

He testified that the proposed use would include a convenience store 24 X 44 which he characterized would serve impulse buying, 7-Eleven type goods, and would have four islands

with one six-hose unit on each island. As to security measures he testified as to the secure area and provisions for safety of the employees and said that there would be two day employees and one night employee and that there would be no full-service pumps.

He testified that the tanks could be moved and that Amoco had moved them in the past, citing the example of Harford and Chenoak Avenue.

He testified he did not have the data nor access to the data as to crimes such as robberies committed at Amoco or other gas stations and, in his opinion, was that crime is everywhere in today's society, not particularly at gas stations.

Petitioners' traffic expert, Robert L. Morris, testified that he has been a civil engineer for 41 years and a traffic engineer for 36 years and that he testified 85% to 90% of his time for developers. He was accepted by the Board as an expert traffic engineer and transportation planner.

He stated that he had, for this site, conducted a feasibility study including traffic operations and safety. His written report on traffic trends for Belair Road, Page 4 - Figure 2, showed increase in traffic since 1981 from 30,000 to approximately 40,000 in 1982, with an increase to a higher unstated magnitude in 1985 and a drop to approximately 40,000 in 1986 through 1987. Traffic volumes measured south of the site at Silver Spring Road were approximately 10,000 vehicles higher than the measurement north of the Petitioners' site near Ebenezer Road,

which was accounted for by the Mall traffic which turned to go to Whitmarsh Mall before reaching the Petitioners' site northbound on Belair Road.

Dr. Morris' report significantly measured speed of passing traffic between 7:30 a.m. and 8:00 a.m. and 4:30 p.m. and 5:00 p.m. on Belair Road, which has a maximum permitted speed of 40 m.p.h. For northbound Belair Road, the side of the road closest to the Petitioners' site, the Dr. found a minimum speed of 44 m.p.h. and a maximum speed of 63 m.p.h. in the morning and a minimum speed of 36 m.p.h. and a maximum speed of 58 m.p.h. in the evening. Traffic southbound on Belair Road, or the lanes farthest away from Petitioners' site, showed a lower minimum and maximum speeds, although the maximum average morning speed exceeded the posted speed limit.

Dr. Morris found that the safe stopping sight distance from the Petitioners' site to the north exceeded 1,000 feet and for the northbound lanes to the south to be 510 feet. His analysis on Page 9 was that the safe stopping speeds coming southbound would allow traffic of 90 m.p.h. and northbound of 58 m.p.h.

Dr. Morris' opinion that for his studies conducted December 14, 1989 was a 3-1/2% slope existed downhill to Petitioners' site for the northbound traffic lanes.

Petitioners' next witness was Mr. Leroy Compton had worked for Amoco Oil since 1961 as a business development

representative, whose responsibilities include tracking population trends, traffic patterns and flows, and residential housing to determine for Amoco Oil public needs for service stations. He testified that he had worked in various capacities since 1961 and he had handled all of Maryland except metro D.C. for that time period; that he had studied this site as to public need and the area as to public need.

His reasons cited to support public need included an inspection of Route 1, condominium development and apartments east of the site, future proposed and existing developments for Silver Spring Station, Perry Hall Farms, and the construction of a Household Finance Bank to the north of the site.

He testified that the closest competitive gas station to the north was two miles in Perry Hall and to the south was a Crown gas station south of Silver Spring, that there was a gas station one-half mile north of Ebenezer Road, and a 24 hour foodmart Shell, and just south there was an Exxon at Putty Hill.

His analysis of the State Roads Commission traffic figures showed 43,000 vehicles and traffic counts between 30,000 and 40,000. In 1988 the figures were south of the site at Silver Spring Road, 40,250, and north of the site, 30,000. He further attested that MPSI of Tulsa, Oklahoma separately evaluated the site and that he did no analysis of closed gas stations.

He testified that he had done a credit card analysis for Amoco cardholders in the four nearest zip codes, which document

was later submitted over objection of Petitioners' counsel, and he believed there were 8,760 Amoco cardholders, and in his opinion there was clearly a need for a service station, and he was impressed with the large frontage and size of the Petitioners' site.

On cross-examination he admitted that the four zip codes included Pulaski Highway and that there were Amoco stations on Route 40 which Amoco cardholders could presently utilize.

The Petitioners' last witness was Herman Nesline, who testified that he had owned the subject property since 1935 and that, other than a sale of the property, as contained in the petition there was actually a proposed lease of Amoco and of the two acres they would be taking .80 acres.

He testified that at one time a gas station had been present on his site but that the service garage for repairs and the gas station moved across the street to Mr. Butz, who took over the tanks. He testified he had run an auto repair and parts business on the site until 1986, and that he had had health problems due to age and ceased doing the business; that he had leased a portion of the property for a coin shop and to a contractor and video rental in 1987 and 1988. He believed the property should give him his retirement and that in his analysis of the uses that could be put there, ranging from fast foods to a Midas Muffler to the Amoco, the Amoco would have the cleanest operation in his opinion.

Protestants' witnesses in turn were Louis Waidner, who testified as an individual Protestant and as an officer of the Perry Hall Improvement Association authorized to speak as the President and Zoning Chairman. Mr. Waidner attended all of the hearings and was familiar with the Petitioners' proposed use and he talked about the large traffic volumes on Belair Road, the lack of long lines to get gas as negating any sign of need for an additional gas station in the community.

He further testified as to the increase in crime in the area which accompanied increased commercial development, and was concerned about the sight distance to the nearest southerly entrance to the Petitioners' property for northbound traffic backing up and causing a chain-reaction type of accident, based on the traffic speeds and volumes testified to by Dr. Morris for the Petitioner.

He was also concerned about the relocation of the 40,000 fuel tanks to the right front of the Petitioners' property adjacent to the entrance and believed that the storm water containment facility would represent an attractive nuisance and a danger to young children, and that the location of a gas station at this site was not advisable because it was not needed and would create congestion on Belair Road with vehicles limited to the southerly entrance only and with the sole control to prevent southbound vehicles from pulling into what was intended to be the exit, or the northern access to Petitioners' site, for signs to be

posted saying that it was an exit only. He felt that the location of the tanks along with the angling of the southern access would increase the risk of fire to an accident causing an explosion, which would represent a substantial threat due to the topography of the land, the minimal sight distance available and the high speed found by Dr. Morris for northbound traffic to those residents of both Raab Avenue and Blakely Avenue, which were dead-end streets on which elderly citizens lived.

He believed that the paving of the entire site which was presently in gravel or dirt would cause substantial run-off.

He testified with particularity as to the number of closed gas stations which had closed in recent history or had been converted to another use as indicators of insufficient demand and consequently no need for additional gas stations in the community, referring to Protestants' Exhibit 6.

Information was submitted from Baltimore County Police Department showing accidents in the northbound lanes in the vicinity of the Petitioners' site at Blakely Avenue caused by rear-enders for the time periods shown. The Baltimore County Police records, submitted as Protestants' Exhibit 8A showed 66 thefts and Exhibits 8B indicated 15 armed robberies for the area 7900 to 8800 Belair Road, including multiple robberies at convenient stores, such as High's.

The Protestants produced in Protestants' Exhibit 6, a list of what were formerly gas stations which had been converted

to other uses or which did not presently sell gasoline, all of which were located within a one mile radius of the Petitioners' site, pursuant to Baltimore County Zoning Regulations Section 405.3.D.

Protestants' witnesses included Sophie Raab, who had lived on Raab Avenue to the rear of the Petitioners' site for approximately 43 years and lived there with her husband at present who had lived on that same street for nearly 70 years. She testified to the topography of the land east of Belair Road as being rolling downhill below the grade of Belair Road.

She further testified that Raab Avenue was a dead-end and Blakely Avenue was a dead-end at present to the east of Petitioners' site, and that she feared the storm water pond because of the presence of small children in the neighborhood where the storm water pond had a maximum depth of nine feet. She was also concerned about the high speed traffic volumes on Belair Road combined with the very short and, in her opinion, inadequate sight distance from the crest of the hill south of the Petitioners' site downhill to the Petitioners' site, given the traffic speeds and volumes on Belair Road. The combination of the high speed, traffic volumes and constricted access to the Petitioners' site and the proximity of the 40,000 gallon tanks right near the entrance, was her concern because if there were to be an explosion and fire she would be trapped on Raab Avenue, which is a dead-end road.

She was also concerned about the increase in crime in the area and what she considered to be the crime magnets posed by Petitioners' proposed use, including the impulse buying 7-Eleven convenience store. She testified that a Shell gas station and minimart to the north of the Petitioners' site had temporarily restricted its operating hours and was closing at 11 p.m. for both the gas station and the convenience store. She testified that there were plenty of gas stations on Belair Road and that there was no need for additional gas stations. She authenticated from her personal experience that the gas stations shown on Protestants' Exhibit 6 accurately reflected those gas stations negating the need for additional service stations in this community; that neither she nor Petitioners' witnesses, Trulove, Bogdanowicz, nor Compton could think of a single example of another gas station which was adjoined on both sides by dead-end streets which was used as direct access to a residence, as to the Petitioner Nesline's residence to the rear of this site, or which was located on similar topography rolling downhill from the Belair Road with the traffic volumes and short sight distance for the nearest northbound lanes.

ARGUMENT

The Petitioners failed to meet their burden for the additional requirements under Baltimore County Zoning Regulations Section 405.3.

The Baltimore County Zoning Regulations, Section 405,

deals with automotive service stations. The Petitioners' use, if permitted, is permitted not by right but by special exception pursuant to Section 405.2.B.2, "on an individual site in a CNS district". It is clear from a review of the Order and Opinion of the Deputy Zoning Commissioner dated May 8, 1989 that Section 405.3 was neither discussed nor considered (Page 3). "Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied. The Petitioner had the burden of adducing testimony in evidence which would show the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the BCZR."

The findings which must be made by the Zoning Commissioner or other hearing officer are mandated by the use of the word "shall" in Section 405.3. They are delineated in subsections 405.3.A. through D. (Copy attached, emphasis supplied.)

In determining whether a request or petition was met the additional burdens imposed by this Section, evidence may be found by a review of the legislative policy enunciated in Section 405.1. The County Council found that the location of gas stations as (1) generated undesirable strip commercial development; (2) caused excessive traffic congestion with poor road access; (3) that gas stations take on ancillary uses if not properly regulated and often become objectionable; and (4) that the overabundance of automotive service stations in certain areas has resulted in

improper maintenance and abandonment of the premises and that gas stations constitute the most numerous of all vehicle oriented uses.

The County Council's stated purposes in enacting the regulations included permitting them only in accordance with comprehensive planning goals, especially relating service stations to neighborhood community or towncenters, to regulate vehicle access to such uses to cause minimum disruption to traffic, to regulate ancillary uses and assign responsibility for conducting service station operations in compliance with the Regulations.

The stated separate and further purpose to allow clusters of service stations and other vehicle oriented uses only in appropriate areas within normal competitive environment prevent concentration of service stations as would tend to create blight and congestion.

Turning then to Section 405.3, it is clear that the Petitioner had the burden to show that such use would not create a traffic hazard, excessive traffic congestion because of its location in relation to other buildings or by reason of its location on or near a vehicular way, namely Belair Road.

Further, it had to show that its use would not adversely affect the general welfare or orderly development of the general neighborhood considering the service required, availability or scarcity of land for other commercial uses, population, character, density, etc.

Further, when the Petition is heard there is evidence of the probability of a reasonable public need for the proposed automotive service station. The Zoning Commissioner shall consider the presence of one abandoned service station within a one-half mile radius or two such stations within a one mile radius of the site of the proposed service station establishes, absent evidence to the contrary, prima facie assumption that there is no evidence of the probability of a reasonable public need for such proposed service station. The Zoning Commissioner may find, however, that this prima facie presumption is rebutted by market data or other evidence submitted by the Petitioner.

Further, under standards for individual sites, Section 405.4.A.3.B. mandates that no entrance to any such use shall be less than 24 nor more than 35 feet from curb to curb measured at the right of way line, and further no driveway providing access for traffic moving in two directions shall vary more than five degrees from a right angle with the street.

The Petitioners' plan is fatally defective considering the reduced size of the southernmost opening to be 20 feet and the skewing of the curb to provide an approximately 45 degree angle entrance to the Petitioners' site from the southernmost access.

Section 405.4 requires all service stations situated on individual sites to comply with the applicable standards of this subsection, which the Petitioners' site clearly does not do.

Further visual obstructions are prohibited at the

street, pursuant to Section 405.4.A.2.B., which would be represented by the Petitioners' proposed location for the sign sitting near the road at a point which would obscure the vision of traffic northbound traveling downhill from the crest not being able to see the traffic stacked in the Petitioners' property if used for a gas station until they were right up on it.

Further, the stacking space as shown, required by Section 405.4.A.4.A and B require one waiting space in line for each fuel servicing space in addition to the servicing spaces themselves. Within the proposed State Highway Administration right of way the stacking spaces shown include three of them shown wholly or partially on the State Highway Administration right of way line. It is beneficial to recall that the proposed entrance on the plat is not the 20 feet which the Petitioner has agreed to reduce it to, which would constrict the access to the property and close off the access lanes for the stacking spaces.

As to the issue of need upon the acceptance of Protestants' Exhibit 6 as well as the testimony on the number of gas stations closed or used for other purposes, including Mr. Butt's general merchandise store in the 8800 block of Belair Road, Petitioners' own testimony was that at one time his property had been used for a gas station but that that gas station had moved to across the street, that for some time gasoline has not been sold from that station.

Protestants' Exhibit 6 is also valuable and probative on

the existence of competitor gas stations in the neighborhood and their relationship viz-a-viz the Petitioners' site to show this clustering of gas station and the existence of sufficient gas stations to support the needs of the community to show that there is absolutely no need for additional gas stations to support the community at that site.

In construing the provisions of BCZR Section 405.3 it is clear that the requirements of 405.3 are, in addition to the strictures imposed by Section 502.1, that is found in the first sentence of Section 405.3 where the legislature used the words "in addition to". A legislative determination of facts and conditions calling for the passage of a law, either spelled out or implicit in a legislation, is entitled to very great, although not conclusive, weight and every allegation or matter affirmed in the preamble to an act of the legislature is not to be considered as incontrovertible. Grant vs Mayor and City of Baltimore, 212 Md 301. Preamble or recitals of a statute may be resorted to in aid of interpretation of the statute if its meaning is doubtful. Hofmeister vs Frank Realty Company, 35 Md App 691, 373 A 2d 273 (1977).

The basic canons utilized in construing statutes were reviewed in the case of Prince George's County vs Equitable Trust Company, 34 Md App 272, 408 A 2d 737 (1979) at 742. "The cardinal principle, of course, is that the Court is to carry out the actual intentions of the legislative body." (Citations omitted). "This

intention is first to be found in a statute's language which is to be given its natural and ordinary signification." (Statutes omitted) "Where no ambiguity arises, the Court will not look beyond the words of the statute and the Court will not insert or omit words to make a statute express an intention not evidenced in its original form." (Citation omitted) "and in applying statutes to cases, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language."

The legislature in its wisdom in enacting Section 405, and in particular Section 405.3.D, anticipated the natural inclination of the oil companies, unless regulated, to seek the "hot corner" and enacted Section 405.1 to prevent the type of leap-frogging to secure a temporary market advantage over competitors from becoming the norm in Baltimore County by focusing on the need of the community against the uses proposed for additional gasoline stations. The Petitioner clearly addressed the prong of that statute from the perspective of its needs rather than those of the community and offered absolutely no evidence of lack of supply or conversely community demand exceeding the capacity of the existing service stations.

This is an additional set of regulations as was noted by the County Council in enacting Section 405.1 over and above the ordinary analysis required under Section 502.1 for utilization of a special exception.

On the issue of whether the Petitioner met its burden under Section 502.1, and in particular the standards evidenced and construed in the case of Schultz vs Pritts, 291 Md 1, 432 A 2d 1319 (1981), the Petitioners have failed to meet their burden under Sections 502.1.A (be detrimental to the health, safety and general welfare); B (tend to create congestion in the roads, streets or alleys); C (create a potential hazard from fire, panic or other dangers, be inconsistent with impermeable surface and vegetative retention provisions of the Zoning Regulations).

The Protestants' fears as to traffic congestion on the roads, streets or alleys under existing conditions was highlighted by the testimony of the Petitioners' own expert, Dr. Robert Morris. Under existing conditions Dr. Morris found that Belair Road carries daily in both directions approximately 40,000 vehicles; approximately 30,000 in the vicinity of the Petitioners' site. He found the sight distances to be safe beyond the 85th percentile at Page 9 of his report, but he also found many individuals speeding in excess of the posted speed limit of 40 m.p.h. and recorded speeds in excess of his safe stopping speed in the northbound lanes adjacent to Petitioners' site is the shortest distance over the crest of the hill to the Petitioners' site.

Further testimony of Mr. Vecchione as to traffic hazards and poor sight distance, as well as Mrs. Raab and Mr. Waidner, corroborate the findings of Dr. Morris. In his report he found speeds in excess of the safe stopping speeds for the site distance

presented in the light most favorable to the Petitioners. The Board was requested by the Protestants to visit the site and observe for themselves the sight distance in the northbound lanes of Belair Road.

Those conditions are exacerbated when the Petitioners' site is viewed as shown on its revised plat. 40,000 gallons of fuel in the tanks are shown exactly adjacent to the single access, which is the southernmost point on the Petitioners' property. Petitioners' sign is proposed to be placed, if a variance is granted, in the State Highway right of way and on a line which would naturally obscure the vision of those traveling northbound after they crest the hill to prevent them from clearly seeing any vehicles stacked or backed up in the Petitioners' service station. The access from the south was testified by the Petitioners to be reduced to 20 feet wide and on a 45 degree angle, both of which violate the design standards of Section 405.

The controls proposed by the Petitioner to deal with the traffic volumes and congestion which presently exist on Belair Road for southbound traffic were simply to post the northernmost access to be an exit only and not to be entered, all of which considered together pose a scenario where the probability of an accident is greatly enhanced, almost designed.

The stacking of vehicles, three of which shown on the Petitioners' plat, on the larger access which has not yet been reduced to the 20 feet Petitioners said they would reduce it to,

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lie within the proposed State Highway widening.

Therefore, the traffic projections, combined with the Petitioners' service projections and unrealistically estimated to be evenly distributed over a 24 hour period, all heighten the danger imposed with the traffic volumes, average speed of travelers on that portion of Belair Road, and with the traffic controls to deal with access to the sight. While this may be true of many gas stations on Belair Road, it is heightened and unique at this site in the testimony of not only the Petitioners' witnesses but also the Protestants' witnesses in that no witnesses could think of another situation or cite the example of another gas station which additionally provides convenience store in the rear of the site past the pumps and which also serves as the right of way or access to a residential facility, namely that of the Petitioners, the Neslines, as occurs at this site.

It is, quite frankly, a traffic nightmare rather than a traffic circulation plan proposed by the Petitioners at this site.

Further, the topography of the land, by agreement of all witnesses, falls from Belair Road and, contrary to the Petitioners' vicinity map, neither Raab Avenue nor Blakely Avenue are presently cut through and both dead-end, but there are residents on both Raab Avenue and Blakely Avenue in the event of a conflagration or explosion of the fuel tanks at the Petitioners' site who would be essentially trapped with no means of vehicle access not directly involved in any conflagration, thereby

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creating a significant potential hazard from fire, panic or other dangers.

As to health, safety and general welfare, in addition to what has been said, the testimony adduced as to traffic accidents which involved rear-enders in that portion of the road without the draw of a gas station with numerous pull-ins and pull-outs which of necessity are part and parcel of such a use as well as the number of armed robberies in the immediate vicinity focused on convenience stores and commercial activities, caused the Protestants to object to the creation of another magnet for those who prey on impulse buying convenience shops of the type proposed by the Petitioners at this site.

Additionally, the location of the underground storage tanks would cause the large refueling tankers to be located adjacent to the sole means proposed for ingress to the site at times when they would need to be replenished.

The long-time residents talked about an erosion problem and the Petitioners' own plan proposed a storm water holding pond to contain the large volumes of water which would be created by essentially paving over the entire site which presently is in gravel and ground, except for the small portion on which several small buildings are presently erected. The volumes of water proposed for the storm water management facility could reach nine feet in depth and would pose a threat as well as an attractive nuisance with attendant danger to the community residents.

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The Protestants have clearly met the requirements of Schultz vs Pritts (Supra) in showing how this gas station at this site would uniquely effect them over and above the threat commonly posed by such a facility elsewhere in a BI-CNS zone. A lack of means of egress in the event of fire, the topography of the land going downhill and the miserable traffic conditions on that portion of Belair Road, considering sight distance and vehicle speeds, make this a uniquely bad site to locate the Petitioners' proposed use.

WHEREFORE, the Protestants respectfully request the Board of Appeals, after consideration, deny the Petition and deny the Variance.

Respectfully Submitted,

Michael P. Tanczyk
MICHAEL P. TANCZYK, ESQ.
Attorney for the Protestants
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Telephone (301) 296-8823

I HEREBY CERTIFY that, on this 16th day of March, 1990, a copy of the foregoing was mailed, postage prepaid, to Anthony DiPaula, Esq., 614 Bosley Avenue, Towson, Maryland, 21204, attorney for Petitioners, and to Baltimore County People's Counsel, 111 West Chesapeake Avenue, Towson, Maryland, 21204, and to Mr. Thomas L. Vecchione, 4206 Raab Avenue, Baltimore, Maryland, 21236, and to Mrs. Sophie Raab, 4202 Raab Avenue, Baltimore, Maryland, 21236.

Michael P. Tanczyk
MICHAEL P. TANCZYK, ESQ.

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ATTACHMENT - p11 Memo

B. Where permitted by special exception. Where not permitted as of right, an automotive-service station may be permitted by special exception if the site of such use is located, alternatively:

1. In any planned drive-in cluster which is located in a C.R., C.N.S., C.S.-1, or C.S.-2 District; if in a C.S.-1 or C.S.-2 District, is not located within 500 feet of any residential zoning or development, at or beyond either end of such district (as measured along the street); and is not located within 300 feet of the site of any school (other than a business or trade school), or any church; or [Bill No. 40, 1967.]
2. On an individual site in a C.N.S. District; or [Bill No. 40, 1967.]
3. On an individual site in a C.R. District; or [Bill No. 40, 1967.]
4. In a constructed, or partially constructed, planned shopping center in a C.T. District, provided that the number of service stations in such shopping center does not exceed one for each 60,000 square feet of net retail floor area, or fraction thereof, existing in the development at the time the building permit for the service station is issued, not including floor area in any service station itself; or [Bill No. 40, 1967.]
5. On an individual site in a C.S.-1 District, with access solely to a Class 1 commercial motorway, but not within 500 feet of any residential zoning or development, at or beyond either end of such district (as measured along the street); and not within 300 feet of the site of any school (other than a business or trade school), or any church; or [Bill No. 40, 1967.]
6. On an individual site in an I.M. District, but not in an I.R. Zone, and with no direct access to an arterial street other than a Class 1 commercial motorway. [Bill No. 40, 1967.]

405.3--Findings necessary to grant special exceptions. In addition to the findings required under Subsection 302.1, the Zoning Commissioner shall make each of the findings set forth below before granting any special exception required to permit an automotive-service station: [Bill No. 40, 1967.]

APPROVED JUL 01 1989

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A. That the proposed use will not create a traffic hazard or excessive traffic congestion because of its location in relation to similar uses. [Bill No. 40, 1967.] because of its location in relation to other buildings or proposed buildings on or near the site and the traffic pattern to and from such buildings, [Bill No. 40, 1967.] or reason of its location on or near a school, park, pedestrian entrance or crossing to a school, park, playground, or hospital, or other place of public use or assembly. [Bill No. 40, 1967.]

B. That the use will not adversely affect the general welfare or orderly development of the general neighborhood or area in which the station is proposed, including nearby areas within adjacent political jurisdictions, considering the service commercial uses, population, character, density, etc. [Bill No. 40, 1967.]

C. That the Zoning Commissioner is satisfied that all requirements of this section and all other legal requirements of Baltimore County will be met in operating the proposed service station and that the plans for the use have been reviewed and commented upon by those agencies listed below, which are deemed by the Zoning Commissioner to have an appropriate interest in the individual case under consideration, or any other agency deemed by him to have a specific interest therein: [Bill No. 40, 1967.]

1. Department of Public Works [Bill No. 40, 1967.]
2. Buildings Engineer's office [Bill No. 40, 1967.]
3. Bureau of Traffic Engineering [Bill No. 40, 1967.]
4. Fire Bureau [Bill No. 40, 1967.]
5. State Roads Commission [Bill No. 40, 1967.]

D. That, at the time the petition is heard, there is evidence of the probability of a reasonable public need for the proposed automotive-service station. The Zoning Commissioner shall consider that the presence of one abandoned service station within a one-half mile radius or two such stations within a one mile radius of the site of the proposed service station establishes, absent evidence to the contrary, a prima facie presumption that there is no evidence of the probability of a reasonable public need for such proposed service station. The Zoning Commissioner may find, however, that this prima facie presumption is rebutted by market data or other evidence submitted by the petitioner. [Bill No. 40, 1967.]

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APPROVED JUL 01 1989

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-406-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an automotive-service station (Gas-N-Go) pursuant to RCZR Section 230.13, and a convenience food store with less than 5,000 s.f. of retail sales area in combination with the service station pursuant to RCZR Section 405.4.D.8.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee:

Contract Purchaser:

Amoco Oil Company

(Type or Print Name)

BY: Charles T. Bogdanowicz

Signature

14520 Green Road

Baldwin, MD 21013

City and State

Attorney for Petitioner:

F. Vernon Booser

(Type or Print Name)

Signature

614 Bosley Ave.

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-9441

Legal Owner(s):

Herman J. Nesline

(Type or Print Name)

Signature

Audrey L. Nesline

(Type or Print Name)

Signature

8807 Belair Road

Baltimore, MD

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

F. Vernon Booser

614 Bosley Ave., Towson, MD 21204

City and State

Phone No. 828-9441

ORDERED BY The Zoning Commissioner of Baltimore County, this 8th day of Feb, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of April, 1989, at 11 o'clock A.M.

J. Robert Huie
Zoning Commissioner of Baltimore County.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-406-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2 f. to allow one (1) business sign with an area of 183.02 s.f. in lieu of three (3) business signs with a total area of 100 s.f. as permitted.

1. It will be very difficult to effectively advertise the location of the business and products available.
2. The variance is necessary for compliance with laws governing pricing and advertising.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee:

Contract Purchaser:

Amoco Oil Company

(Type or Print Name)

BY: Charles T. Bogdanowicz

Signature

14520 Green Road

Baldwin, MD 21013

City and State

Attorney for Petitioner:

F. Vernon Booser

(Type or Print Name)

Signature

614 Bosley Ave.

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-9441

Legal Owner(s):

Herman J. Nesline

(Type or Print Name)

Signature

Audrey L. Nesline

(Type or Print Name)

Signature

8807 Belair Road

Baltimore, MD

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

F. Vernon Booser

614 Bosley Ave., Towson, MD 21204

City and State

Phone No. 828-9441

ORDERED BY The Zoning Commissioner of Baltimore County, this 8th day of Feb, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of April, 1989, at 11 o'clock A.M.

J. Robert Huie
Zoning Commissioner of Baltimore County.

AMOCO OIL COMPANY
DESCRIPTION OF PROPERTY
8809-8811 BELAIR ROAD
ELEVENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the southeasterly right-of-way line of Belair Road, now 90 feet wide, as shown on the State Roads Commission of Maryland Plat No. 951 and at the end of the first line of the secondly described parcel in the Deed between Elva G. Young and Herman J. Nesline and Audrey L. Nesline, his wife, dated March 21, 1963 and recorded among the Land Records of Baltimore County in Liber 4121, page 183; thence running from said point of beginning and binding along the southeasterly right-of-way line of Belair Road, referring all courses to the True Meridian as established for the Baltimore County Metropolitan District; North 42 degrees 49 minutes 00 seconds East 175.00 feet to the beginning point of said secondly described parcel; thence leaving Belair Road and binding reversely along the sixth and fifth lines of said parcel, as now surveyed, South 53 degrees 19 minutes 50 seconds East 272.09 feet and South 42 degrees 59 minutes 23 seconds West 99.93 feet to the beginning of said fifth line; thence leaving the outlines and running for new lines of division through said secondly described parcel the following two courses and distances: (1) North 50 degrees 08 minutes 29 seconds West 141.16 feet and (2) South 42 degrees 49 minutes 00 seconds West 83.00 feet to intersect the second line of the beforementioned parcel; thence

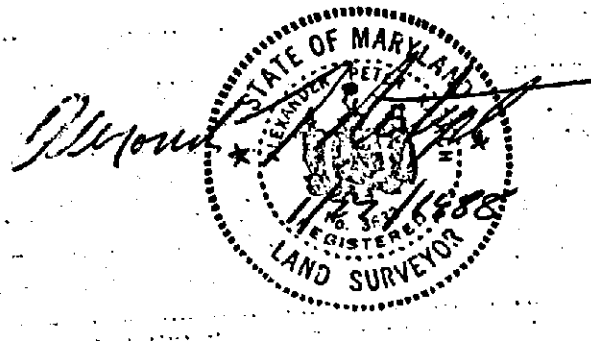
APR
APP ASSOCIATES, INC.
REGISTERED PROFESSIONAL ARCHITECTS

Alexander F. Rapp, P.E.
Richard L. Rapp, P.E.
David L. Rapp, P.E.
Paul A. Rapp
Edward F. Rapp, P.E.
Edward F. Rapp, P.E.

AMOCO OIL COMPANY
DESCRIPTION OF PROPERTY
8809-8811 BELAIR ROAD
ELEVENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
PAGE 2

binding reversely along a part of said line North 53 degrees 19 minutes 50 seconds West 130.00 feet to the point of beginning; containing 36,174 square feet or 0.8304 acres more or less.

1/27/88



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 89-406-XA
Towson, Maryland

District: 11th Date of Posting: 2/14/89
Posted for: Herman J. Nesline, et ux
Petitioner: Herman J. Nesline, et ux
Location of property: 8809-8811 Belair Rd., 32' NE/Road Rte.
Location of Sign: Facing Belair Rd., approx. 3' from road, on property of Petitioner.
Remarks:
Posted by: [Signature] Date of return: 2/16/89
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 89-406-XA
Towson, Maryland

District: 11th Date of Posting: 2/14/89
Posted for: Special Exception to Var. 11
Petitioner: Herman J. Nesline, et ux
Location of property: 8809-8811 Belair Rd., 32' NE/Road Rte.
Location of Sign: Facing Belair Rd., approx. 10' from road, on property of Petitioner.
Remarks:
Posted by: [Signature] Date of return: 2/14/89
Number of Signs: 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 89-406-XA
Towson, Maryland

District: 11th Date of Posting: 2/13/89
Posted for: Herman J. Nesline, et ux
Petitioner: Herman J. Nesline, et ux
Location of property: 8809-8811 Belair Rd., 32' NE/Road Rte.
Location of Sign: Facing Belair Rd., approx. 10' from road, on property of Petitioner.
Remarks:
Posted by: [Signature] Date of return: 2/16/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 23, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 23, 1989.

NORTHEAST TIMES
THE JEFFERSONIAN.

Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the following date and time:
Date: Wednesday, April 12, 1989 at 11:00 a.m.
Location: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
Special Exception: An automotive service station (GAS-W-20) pursuant to BCR Section 230.13, and a convenience food store with less than 5,000 sq. ft. of total sales area in combination with the service station pursuant to BCR Section 405.4.0.6. The total area of the proposed development shall not exceed 100 sq. ft. of total area. The total area of the proposed development shall not exceed 100 sq. ft. of total area. The total area of the proposed development shall not exceed 100 sq. ft. of total area.

pg 10840
reg M27089
89-406-XA
price 93.57

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 4-3-89

Amoco Oil Company
14520 Green Road
Beltsville, Maryland 21013

ATTN: CHARLES T. BOGDANOVICH

Re: Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-406-XA
SES Belair Road, 32' NE/Road Avenue
8809-8811 Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Herman J. Nesline, et ux
Petitioner(s)/Lessee: Amoco Oil Company
HEARING SCHEDULED: WEDNESDAY, APRIL 12, 1989 at 11:00 a.m.

Comments:
Please be advised that \$123.57 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204, fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 087552
DATE: 4-12-89 ACCOUNT: 201-615-000
AMOUNT: \$ 123.57
RECEIVED FROM: F. Vernon Booser
FOR: Posting & Advertising (89-406-XA)
9 108*****123571a 6126f
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

March 7, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-406-XA
SES Belair Road, 32' NE/Road Avenue
8809-8811 Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Herman J. Nesline, et ux
Petitioner(s)/Lessee: Amoco Oil Company
HEARING SCHEDULED: WEDNESDAY, APRIL 12, 1989 at 11:00 a.m.

Special Exceptions: An automotive service station (GAS-W-20) pursuant to BCR Section 230.13, and a convenience food store with less than 5,000 sq. ft. of total sales area in combination with the service station pursuant to BCR Section 405.4.0.6. The total area of the proposed development shall not exceed 100 sq. ft. of total area. The total area of the proposed development shall not exceed 100 sq. ft. of total area. The total area of the proposed development shall not exceed 100 sq. ft. of total area.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Herman J. Nesline, et ux
Amoco Oil Company
F. Vernon Booser, Esq.
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: 4/12/89

FROM: Pat Keller
Deputy Director

SUBJECT: ZONING ADVISORY COMMENTS

Case # 89-406-XA
Item # 311
Herman J. Nesline, et ux
Amoco Oil Co., Lessee

The Petitioner requests a special exception for an automotive service station (Gas-W-20) with a food store of less than 5,000 square feet as a use in combination and a variance to allow one business sign of 183.02 square feet in lieu of the permitted 100 square feet. In reference to this request, staff offers the following comments:

A waiver from CRG meeting was granted by the Planning Board on January 20, 1989 (W-89-19). However, a CRG plan must be submitted for review and approval. The approved zoning plan should conform to the approved CRG plan and the final landscape plan.

This office recommends that the site be redesigned so that the stacking for the pump islands runs parallel to Belair Road and has less potential to stack into the right of way. This configuration would also allow for better enter/exit circulation for the two access points.

Indicate the purpose for the 12 foot future right of way along the western side of the site. A use in common access should be considered for the future development of 8807 Belair Road.

Compressed air and water should be provided.

The landscaping shown on this plan is minimal and will need revisions. The Petitioner's engineer should contact Avery Harden, County Landscape Planner at 887-3335 regarding compliance with the Baltimore County Landscape Manual and the Belair Road streetscape plan.

This office does not support the requested sign variance. The 6 foot setback for the sign should be from the nearest part of the sign and not the base.

File: A:41289 pg.4



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 954-3000 887-3180

HEARING ROOM -
Room 301, County Office Building

January 23, 1990

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-406-XA
Day #3
(Continued from 1/18/89)

HERMAN J. NESLINE, ET UX
SE/s Belair Road, 32' NE of Road
Avenue (8809-8811 Belair Road)
11th Election District
6th Councilmanic District

SE/s Service Station and food store
VAR: signs

05/08/89 - D.Z.C.'s Order GRANTING Petitions with restrictions

ASSIGNED FOR: WEDNESDAY, FEBRUARY 21, 1990 at 10:00 a.m.

cc: Mr. and Mrs. Herman J. Nesline
Ms. Sophie Rapp
Charles T. Bogdanovich
L. Rodney Compton
Anthony J. DiPaula, Esquire
Mr. Richard Truelove
Thomas L. Vecchiore
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
M. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Gablen, County Attorney
Michael P. Tanczyn, Esq. Counsel for Protestants

Petitioners
Appellant/Protestant

Lindalee M. Kusznau
Legal Secretary

RECEIVED
JAN 24 1990

ZONING OFFICE

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Building
APPEAL HEARINGS SCHEDULED FOR THE WEEK OF
WEEK OF JANUARY 15, 1990

TUESDAY 1/16/90 9:00 a.m. RIAZ JANJUA, M.D., NE/corner Balto.
CR-89-453 National Pike & Cummins Avenue
(Reclassification) 1st Election District, 4th Councilmanic District
From 9/26/89 - Day #2 Amended Reclass Petition

TUESDAY 1/16/90 10:00 a.m. 1302 GOOSENECK ROAD (Eugene A. Sobul)
#CBA-89-139 RE: Removal of illegal structure
(storage shed - no permit)

TUESDAY 1/16/90 1:00 p.m. 307 FREDERICK ROAD, Baltimore, MD 21228
#CBA-89-138 RE: Violations of Maintenance Investment
Property Law (Buildings Engineer)

WEDNESDAY 1/17/90 9:00 a.m. BEAR CREEK INN, 601 Wise Avenue,
Dundalk, MD 21222
#CBA-89-190 MOTION FOR RECONSIDERATION

MOTIONS HEARING ONLY

WEDNESDAY 1/17/90 10:00 a.m. BLACK HORSE INN, NE/s Windands Rd., opposite
Tulacene Rd. and S/s Lyons Mill Rd., W of
Painters Mill Rd.
#CBA-89-140 2nd Election District; 3rd Councilmanic District
RE: CRG Decision

THURSDAY 1/18/90 10:00 a.m. #89-424-SPHX POSTPONED TO 4/3/90
#CBA-89-169 JOHN W. LILLER, 2308 Martin Drive
Baltimore, MD 21221
RE: Retirement

THURSDAY 1/18/90 11:00 a.m. HERMAN J. NESLINE, ET UX, SE/s Belair Rd., 32'
NE of Raab Ave. (8809-8811 Belair Rd.)
#89-406-XA 11th Election District; 6th Councilmanic District
(Cont'd. from 11/7/89) SE - Service station and food store; VAR - signs

FRIDAY 1/19/90 HEARING ROOM NOT AVAILABLE FOR CBA HEARING

cc: Executive Office
County Council
Law Office
People's Counsel
Planning Office
Current Planning
Board Members
Court Reporter
Information Desks (2)
Docket Clerk - Zoning

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
TOWSON, MARYLAND 21204
(301) 887-3253

J. Robert Haines
Zoning Commissioner

May 18, 1989

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception & Zoning Variance
SE/S Belair Road, 32' NE of Raab Avenue
(8809-8811 Belair Road)
11th Election District, 6th Councilmanic District
HERMAN J. NESLINE, ET UX - Petitioners
Case No. 89-406-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was
filed in this office on May 15, 1989, 1989 by Sophie Raab, Protestant
All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the
appeal hearing when it has been scheduled. If you have any questions
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

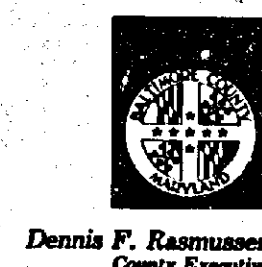
JRH:cer

Enclosures

cc: Mr. & Mrs. Herman J. Nesline
8807 Belair Road, Baltimore, MD 21236

Charles T. Bogdanowicz, Amoco Oil Company
14520 Green Road, Baldwin, MD 21013

L. Rodney Compton, 12228 Fawnhaven Court, Ellicott City, MD 21043



Appeal - Case No. 89-406-XA
May 18, 1989
Page 2

Anthony J. DiPaula, 614 Bosley Avenue, Towson, MD 21204

Richard Truelove, Apt. 2 Associates
7927 Harford Road, Baltimore, MD 21234

Thomas L. Vecchione, 4206 Raab Avenue, Baltimore, MD 21236

Sophie Raab, 4202 Raab Avenue, Baltimore, MD 21236

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

May 11, 1989

J. Robert Haines
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Haines,

In reference to petitions for special exception
and zoning variance, Case No. 89-406-XA, I
find the decision unfavorable. I wish to file
an appeal to the County Board of Appeals.
My address is: 4202 Raab Avenue
Baltimore, Md. 21236

Respectfully,
Sophie Raab

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 088305

DATE 5-16-89 ACCOUNT B 01 615-000

AMOUNT \$ 205.00

RECEIVED FROM: SCPIVE KAAB (PROTESTANT)

FOR: HEARING FEES - CASE # 89-406-XA
HERMAN J. NESLINE - PETITIONER

8 8 C31*****205000 317F

VALIDATION OR SIGNATURE OF CASHIER

15 1989 (O.K. - C.W.)
ING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
TOWSON, MARYLAND 21204
(301) 887-3253

J. Robert Haines
Zoning Commissioner

May 8, 1989

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
SE/S Belair Road, 32' NE of Raab Avenue
(8809-8811 Belair Road)
11th Election District - 6th Councilmanic District
Herbert J. Nesline, et ux - Petitioners
Case No. 89-406-XA

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petitions for Special Exception and Zoning
Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-
able, any party may file an appeal to the County Board of Appeals within
thirty (30) days of the date of this Order. For further information on
filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

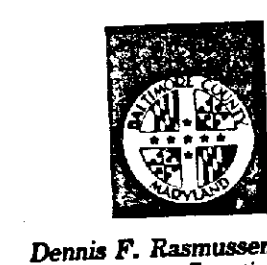
ANN M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Thomas L. Vecchione
4206 Raab Avenue, Baltimore, Md. 21236

Ms. Sophie Raab
4202 Raab Avenue, Baltimore, Md. 21236

People's Counsel

File



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

APPEAL HEARINGS SCHEDULED FOR
THE WEEK OF NOVEMBER 6, 1989

TUESDAY 11/7/89 9:00 a.m. PLEASANT HILLS PARTNERSHIP
SW/s Reisterstown Rd., 870' NW of
the E/I of Pleasant Hills Road
4th Election District
#90-60-A 3rd Councilmanic District
HEARING ROOM -
Room 301, County Office Bldg.

TUESDAY 11/7/89 10:00 a.m. HERMAN J. NESLINE, ET UX
SE/s Belair Rd., 32' NE of Raab
Avenue (8809-8811 Belair Road)
#89-406-XA 11th Election District
HEARING ROOM -
Room 301, County Office Bldg.

SE - service station and food store
VAR - signs

WEDNESDAY 11/8/89 CBA-89-128 - POSTPONED

THURSDAY 11/9/89 10:00 a.m. BLANCHE S. SNOW, ET UX
NE/s Dewitt Rd., 251' N of N/s
Lister Road (Pasteur Road)
#88-529-X 13th Election District
HEARING ROOM -
COUNTY COUNCIL CHAMBERS -
Second Floor, Old Courthouse
SE - American Legion Community Building

cc: Executive Office
County Council
Law Office
People's Counsel
Planning Office
Current Planning
Board Members
Court Reporter
Information Desks (2)
Docket Clerk - Zoning

RECEIVED
OCT 31 1989
ZONING OFFICE



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Building
November 7, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND
IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS
WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING
DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL
BILL NO. 59-79.

CASE NO. 89-406-XA HERMAN J. NESLINE, ET UX
SE/s Belair Road, 32' NE of Raab
Avenue (8809-8811 Belair Road)
Day #2 11th Election District
(Continued from
11/7/89) 6th Councilmanic District

SE: Service Station and food store
VAR: signs

05/08/89 - D.Z.C.'s Order GRANTING Petitions
with restrictions

which was scheduled for Hearing on November 7, 1989 was continued on the record and
reset for January 18, 1990 by agreement of all Counsel and has been

ASSIGNED FOR: THURSDAY, JANUARY 18, 1990 at 11:00 a.m.

cc: Mr. and Mrs. Herman J. Nesline Petitioners
Ms. Sophie Raab Appellant/Protestant
Charles T. Bogdanowicz
L. Rodney Compton
Anthony J. DiPaula, Esquire
Mr. Richard Truelove
Thomas L. Vecchione
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
M. Carl Richards, Jr.
Arnold Jablon, County Attorney
Michael P. Tanczyn, Esq. Counsel for Protestants

LindaLee M. Kuszmaul
Legal Secretary

8904-9028 Belair Road
89-406-XA Protestants Pa

INCIDENT LIST

Date Reported From:	Date Reported Thru:	Reporting District:	Beat:	Dis:		
Offense:	Reporting Officer:	Investigating Officer:	Offense	Date Rpt	Location	Incident #
THEFT AUTO PART/ACCS	12/26/89	8723	BELAIR RD	H358092		
THEFT AUTO PART/ACCS	12/18/89	8903	BELAIR RD	H350632		
THEFT SHOPLIFTING	12/12/89	8746	BELAIR RD	H345268		
THEFT SHOPLIFTING	12/10/89	8706	BELAIR RD	H343171		
THEFT AUTO PART/ACCS	12/01/89	8903	BELAIR RD	H334041		
THEFT AUTO PART/ACCS	11/20/89	8903	BELAIR RD	H323233		
THEFT AUTO PART/ACCS	10/30/89	8903	BELAIR RD	H302269		
THEFT AUTO PART/ACCS	10/27/89	8901	BELAIR RD	H298296		
THEFT AUTO PART/ACCS	10/16/89	8903	BELAIR RD	H287451		
THEFT SHOPLIFTING	10/07/89	8706	BELAIR RD	H278759		

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5/6
2-11-90

INCIDENT LIST ***

Date Reported From:	Date Reported Thru:	Offense:	Reporting District:	Beat:	Disp:
1	1	Offense	Reporting District:	Beat:	Disp:
THEFT FROM AUTO	06/18/88	8903	BEAIR RD	G163448	
THEFT FROM BUILDING	06/18/88	8903	BE IR RD	G160562	
THEFT FROM BUILDING	06/13/88	8712	BE IR RD	G157608	
THEFT FROM BUILDING	06/10/88	8903	BE IR RD	G154470	
THEFT FROM BUILDING	05/18/88	8817	BEAIR RD	G130733	
THEFT SHOPLIFTING	05/11/88	8716	BEAIR RD	G123785	
THEFT SHOPLIFTING	03/22/88	8716	BEAIR RD	G075940	
THEFT AUTO PART/ACCS	02/17/88	8903	BEAIR ROAD	G044898	
THEFT AUTO PART/ACCS	02/11/88	8903	BEAIR ROAD	G038296	
THEFT AUTO PART/ACCS	02/11/88	8903	BEAIR ROAD	G038318	

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89-406-XA
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

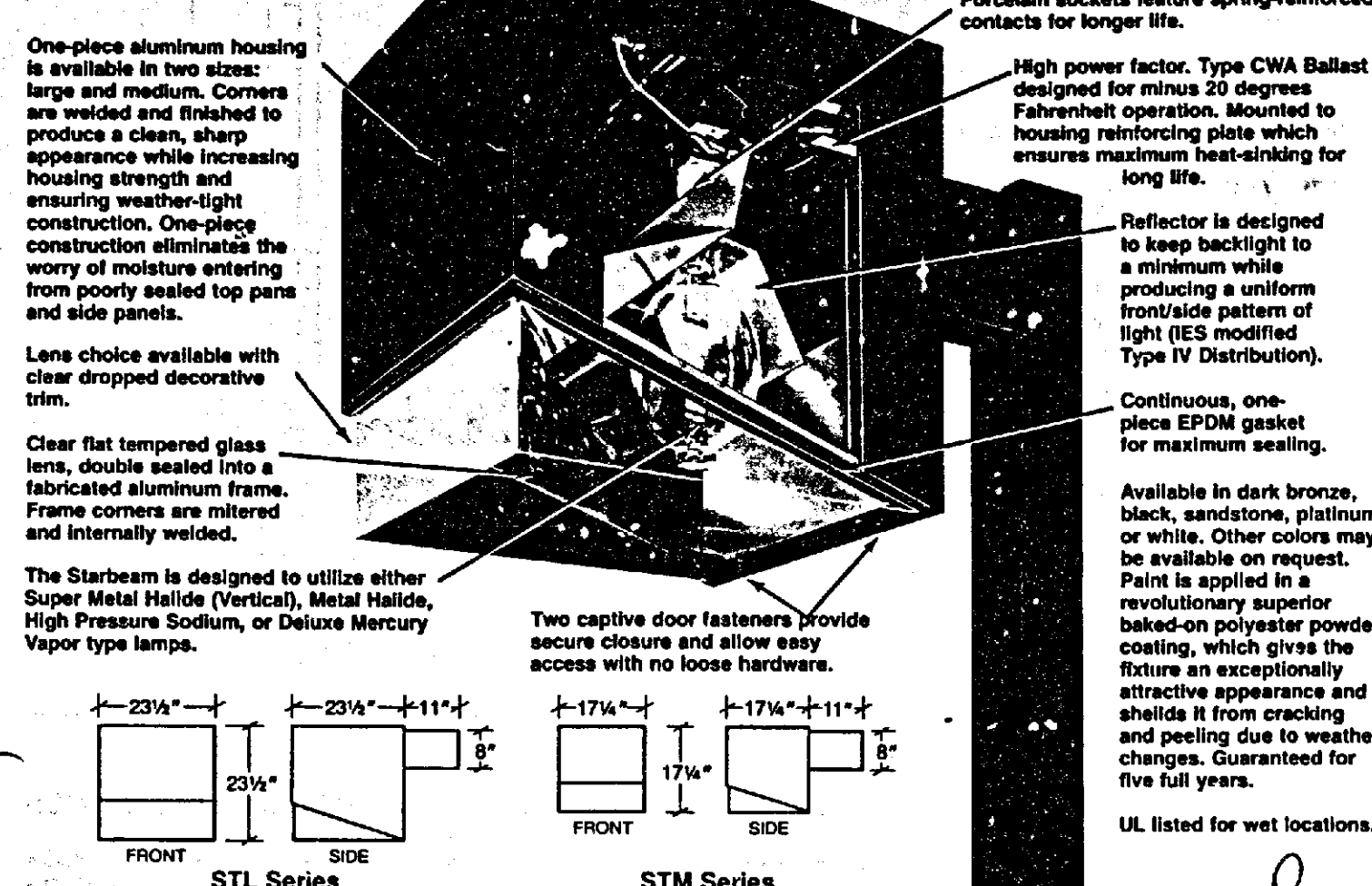
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
8th day of February, 1989.

Petitioner: Herman J. Nesline, Jr.
Petitioner's Attorney: F. Vernon Booser, Esq.
Received by: James E. Dyer, Chairman, Zoning Plans Advisory Committee

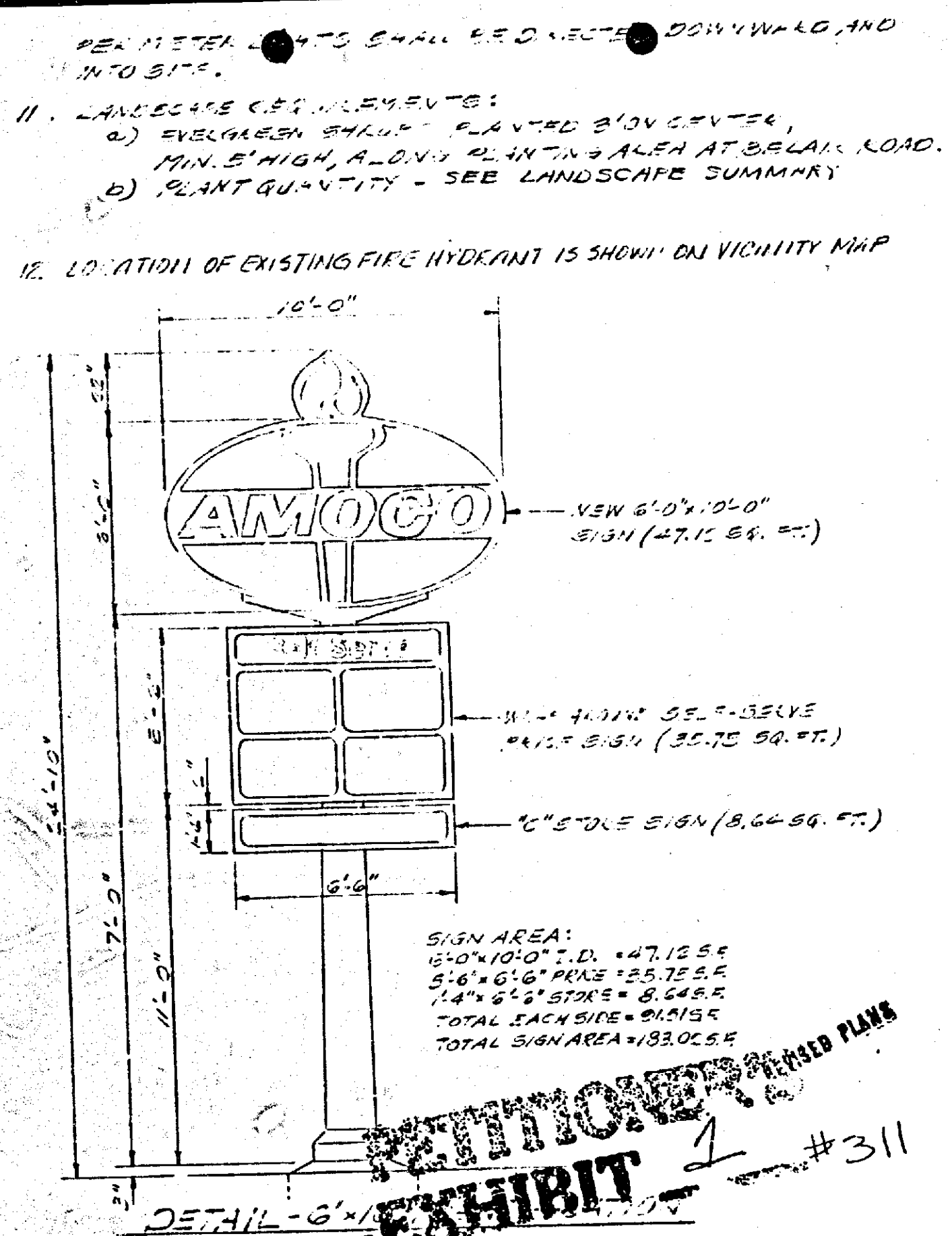
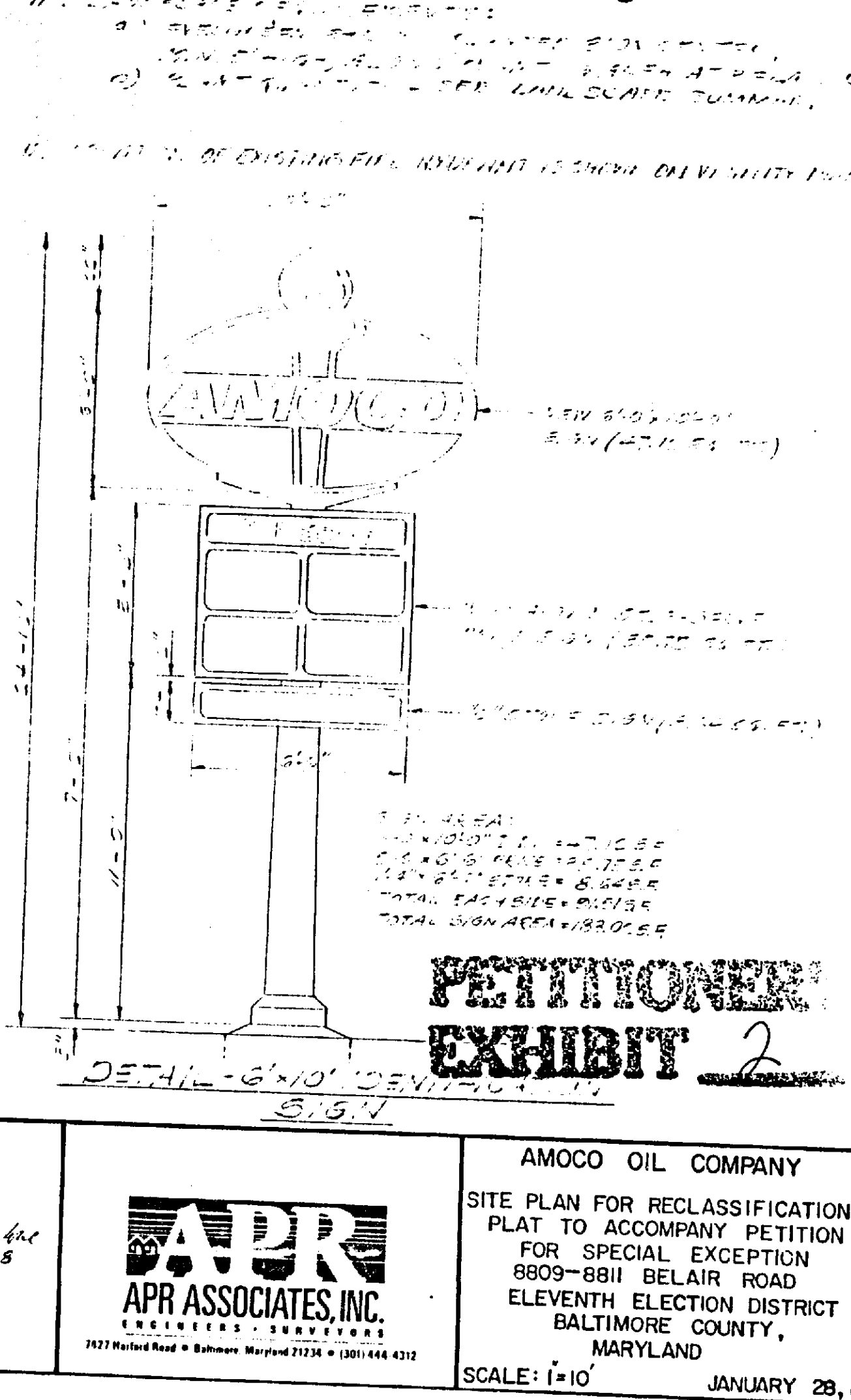
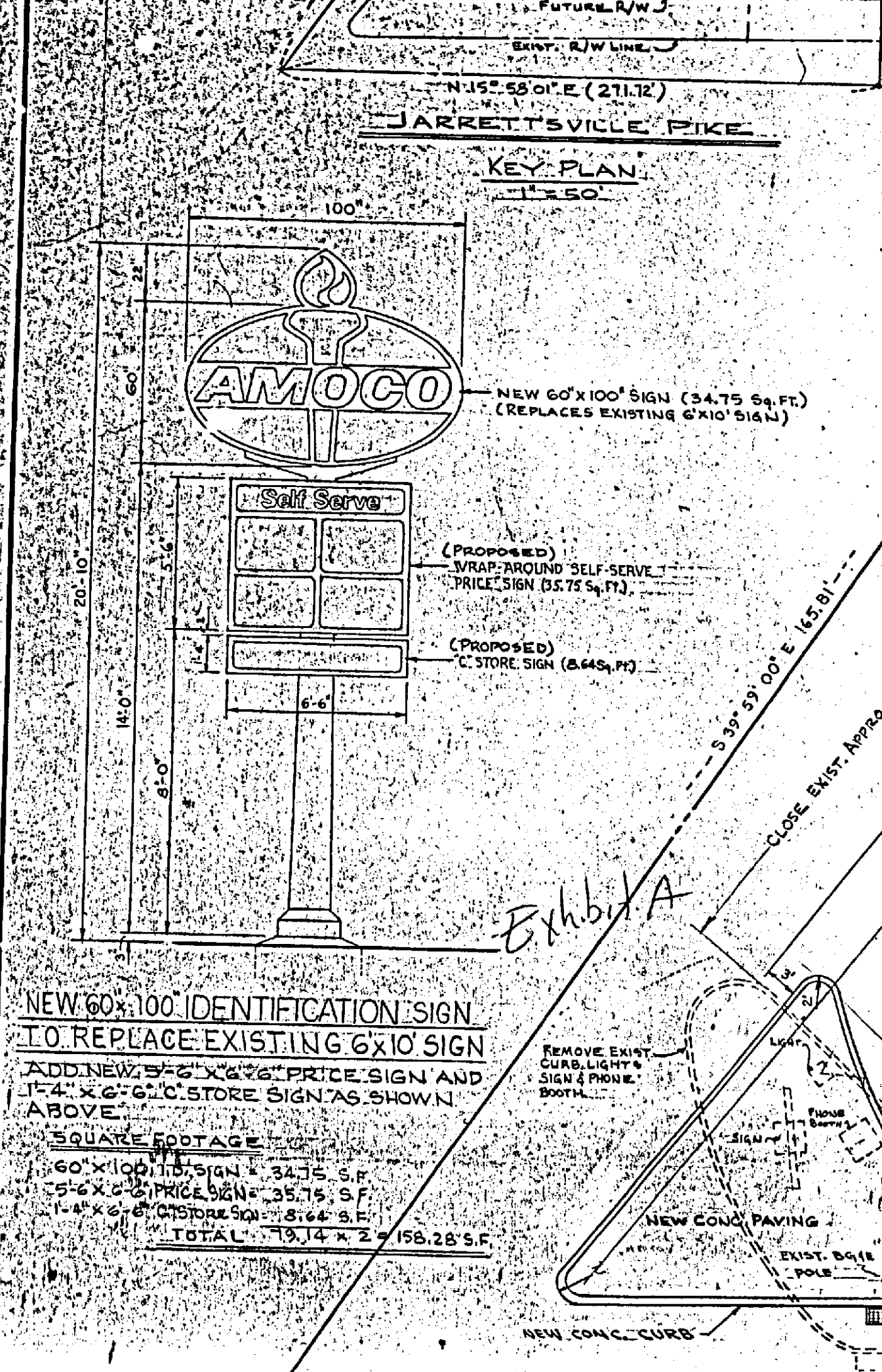
Data Sheet

Starbeam Series



Luminaire Profile	Light Source	Light Output	Options
STL-Medium	4-100W HPS	10000 Lumens	PCB-Photoelectric Control
STL-Large	4-100W HPS	20000 Lumens	PCB-Photoelectric Control

EXAMPLE OF A TYPICAL ORDER: STL-4-1000-SMV-DC-MT-BRZ-PCR

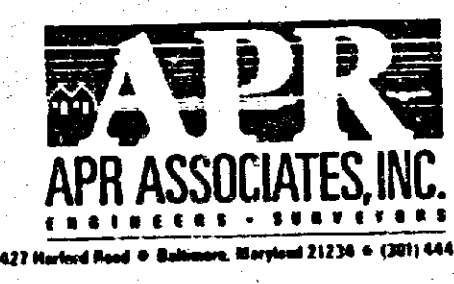


BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 21, 1989
F. Vernon Booser, Esquire
614 Bosley Avenue
Towson, MD 21204
RE: Item No. 311, Case No. 89-406-XA
Petitioner: Herman J. Nesline, et ux
Petition for Zoning Variance and Special Exception
Dear Mr. Booser:
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.
Very truly yours,
James E. Dyer, Jr.
Chairman
Zoning Plans Advisory Committee
JED:jw
Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554
March 1, 1989
Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204
Dear Mr. Haines,
The Bureau of Traffic Engineering has no comments for item number 290, 297, 298, 309, 310, 311, 315, 317, 319, 320, 321, & 323.
Very truly yours,
Michael S. Flanagan
Traffic Engineer Assoc. II
MSF/lab

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief
February 14, 1989
J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204
Re: Property Owner: Herman J. Nesline
Location: #8809-11 Belair Road
Item No.: 311
Zoning Agenda: Meeting of February 7, 1989
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.
() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
() 2. A second means of vehicle access is required for the site.
() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. CRG 11
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
() 6. Site plans are approved, as drawn.
() 7. The Fire Prevention Bureau has no comments at this time.
REVIEWER: [Signature] NOTED & APPROVED: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division



AMOCO OIL COMPANY
SITE PLAN FOR RECLASSIFICATION AND
PLAT TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
8809-8811 BELAIR ROAD
ELEVENTH ELECTION DISTRICT
BALTIMORE COUNTY,
MARYLAND
SCALE: 1"=10' JANUARY 28, 1989



**Maryland Department of Transportation
State Highway Administration**

February 9, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Amoco Oil Company
Item #311

Dear Mr. Haines:

The plans concerning the above subject have been reviewed, and also the location has been inspected by Mr. George Dawson, the Highway Beautification Inspector for the area.

This office has no objection to the placement of the signs at the given location, as per plans submitted; however, the signs cannot overhang the State's Right-of-Way.

If you need further information, please do not hesitate to contact this office.

Sincerely,

Morris Stein
Morris Stein, Chief
Highway Beautification Section

MS:jks

My telephone number is (301) 333-1640

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5042 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 2, 1989

Dennis F. Rasmussen
County Executive

Anthony J. DiPaola, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
NW/Corner York and Shawen Roads
8th Election District - 3rd Councilmanic District
Amoco Oil Company - Petitioners
Case No. 89-403-XA (Item No. 310)

Petitions for Special Exception and Zoning Variance
SE/S Belair Road, 32' NE of Raab Avenue
(8809-8811 Belair Road)
11th Election District - 6th Councilmanic District
Herman J. Nesline, et ux and Amoco Oil Company - Petitioners
Case No. 89-406-XA (Item No. 311)

Dear Mr. DiPaola:

Enclosed please find copies of the Office of Planning comments on the above-captioned matters, dated April 13, 1989 and April 12, 1989 respectively.

Please review said comments for each project and advise me as to whether or not your client will have any difficulty meeting the requirements set forth therein.

If you have any questions on the subject, please do not hesitate to contact me.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AVN:bjs

cc: Case Files

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Date: 2/16/89

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 311 - Zoning Advisory Committee Meeting of February 7, 1989

Property Owner: *Herman J. Nesline, et ux* District: 11

Location: *8809-11 Belair Road* Sewage Disposal: *metro*

Water Supply: *metro*

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

() Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

() A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation process which exhausts into the atmosphere.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

() Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.

() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

() Soil percolation tests, have been _____, must be _____, conducted.

() The results are valid until _____.

() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test _____ shall be valid until _____.

() _____ is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

() Prior to occupancy approval, the probability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3982.

() In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

() Others _____

COVAHEY & BOOZER, P. A.

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPAUOLA

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-8441

FAX 301-298-2131

D REPLY TO:
ANNEX OFFICE
SUITE 101
608 BALTIMORE AVE.
TOWSON, MD 21204
AREA CODE 301
828-5525

April 25, 1989

HAND DELIVERED

Ann M. Nastarowicz
Deputy Zoning Commissioner
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND ZONING VARIANCE
CASE NO.: 89-406-XA
8809-11 BELAIR ROAD
PETITIONER: AMOCO OIL COMPANY

Dear Mrs. Nastarowicz:

Pursuant to the hearing held on April 12, 1989 with respect to the above Petitions, enclosed please find a copy of the Environmental Impact Statement, a copy of which was provided to the protestants on the day of the hearing, and which was introduced as an exhibit at the close of the hearing. In addition, enclosed please find copies of the available Amoco materials with respect to their signs and light standards. Please note that the sign as depicted on the enclosures is approximately 5' x 8', where the other sign as enclosed on the site plans filed in the case are 6' x 10'. These are the only two signs which Amoco has available.

COVAHEY & BOOZER, P. A.

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPAUOLA

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-8441

FAX 301-298-2131

May 16, 1989

RECEIVED
MAY 17 1989

ZONING OFFICE

Ann M. Nastarowicz
Deputy Zoning Commissioner
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND ZONING VARIANCE
CASE NO.: 89-406-XA
8809-11 BELAIR ROAD
PETITIONER: AMOCO OIL COMPANY

Dear Mrs. Nastarowicz:

As per our earlier telephone conversation which I believe took place on May 5, the petitioner is attempting to work out a site plan acceptable to the Office of Planning and Zoning and to otherwise conform to CRS requirements. The York and Shawan location does not appear to be a problem as CRS approval has already been obtained with respect to that site, however after obtaining the necessary approvals from Amoco, a meeting will be scheduled with planning personnel to obtain approval of a revised plan before it is re-submitted to you.

I have since received and thank you for the Memorandum Opinion and Order entered in this case. If you could, I would appreciate some clarification with respect to Condition No. 3 with respect to the sign and building setback. Naturally a sign is located closer to the right-of-way than a building (6' vs. 35' setback). May I assume that you were addressing the Planning

Ann M. Nastarowicz
April 25, 1989
Page 2

Please advise if you require any additional information.

Very truly yours,
Anthony J. DiPaola
Anthony J. DiPaola

AJD/cab

25 cb.1

Enclosures

cc: C.T. Bogdanowicz
Mr. Thomas Vecchione
Mrs. Sophie Raab

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Richard Truelove</i>	<i>APR 25/89</i>
<i>Charles T. Bogdanowicz</i>	<i>7427 HUNFORD RD 21234</i>
<i>L. Bogdanowicz</i>	<i>AMOCO OIL CO</i>
<i>Herman J. Nesline</i>	<i>14520 GREEN RD 21013</i>
<i>Herman J. Nesline</i>	<i>12228 Greenfield Ct</i>
<i>Herman J. Nesline</i>	<i>ELICOTT CITY MD 21003</i>
<i>Herman J. Nesline</i>	<i>8807 BELAIR RD</i>
<i>Herman J. Nesline</i>	<i>BALTO MD 21234</i>
<i>Herman J. Nesline</i>	<i>8807 BELAIR RD</i>
<i>Herman J. Nesline</i>	<i>21236</i>

Ann M. Nastarowicz
May 16, 1989
Page 2

Office's comment that the sign setback should be measured from the nearest part of the sign and not the base so as to prevent the sign from overhanging into the right-of-way?

Very truly yours,
Anthony J. DiPaola
Anthony J. DiPaola

AJD/cab

16 cb.1

cc: Richard Truelove
Mr. Charles T. Bogdanowicz

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Mr. Thomas Vecchione</i>	<i>4206 Raab Ave.</i>
<i>Mrs. Sophie Raab</i>	<i>4202 Raab Ave.</i>

IN RE: HERMAN J. NESLINE, et ux, et al.
SE/S Belair Road, 32' NE of Raab Avenue
8809-8811 Belair Road
11th Election District
6th Councilmanic District

BEFORE THE BOARD OF APPEALS
OF BALTIMORE COUNTY

Case No. 89-406-XA

SUBPOENA DUCES TECUM

SECRETARY, please issue a Subpoena for the following person to appear and testify before the Board of Appeals of Baltimore County on Wednesday, February 21, 1990, at 10 a.m. to testify for the Protestants before the Board of Appeals, County Office Building, 111 West Chesapeake Avenue, Room 301, Towson, Maryland, 21204

Custodian of Records
Baltimore County Police Department
400 Kenilworth Drive
Towson, Maryland 21204

and to bring with him any and all police reports of thefts and armed robberies for the period 1988 through the present filed for the area of Belair Road from the Baltimore Beltway to Joppa Road.

Linda Kuzmaul
Linda M. Kuzmaul
Board of Appeals
MR. SHERIFF:
Please issue the above Subpoena.

Michael P. Fanchina, Esq.
MICHAEL P. FANCHINA, ESQ.
Attorney for the Protestants
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Telephone (301) 296-8823

John H. Dineen
SHERIFF OF BALTO. CO., MD.

SUMMONED *24* COST \$ *5.00*
NOT SERVED *19*

SHERIFF
OF BALTIMORE COUNTY
J. EDWARD MALONE

1232
IN RE
* BEFORE THE BOARD OF APPEALS
HERMAN J. NESLINE, et ux, RECD SHERIFF'S OFFICE
SE/S Belair Road
32' NE of Raab Avenue
8809-8811 Belair Road
11th Election District
6th Councilmanic District
Case No. 89-406-XA

SUBPOENA DUCES TECUM

SECRETARY, please issue a Subpoena for the following person to appear and testify before the Board of Appeals of Baltimore County on Wednesday, February 21, 1990, at 10 a.m. to testify for the Protestants before the Board of Appeals, County Office Building, 111 West Chesapeake Avenue, Room 301, Towson, Maryland, 21204

Larry Heine, Manager
Shell Service Center
Joppa & Belair Roads
Baltimore, Maryland 21236

and to bring with him any and all police reports of thefts or robberies from the date of the opening for business at this location through the present.

RECEIVED
COUNTY BOARD OF APPEALS
FEB 21 1990
SOFEB-6 11 16 16

MR. SHERIFF:
Please issue the above Subpoena.

MICHAEL P. TANCZYN, ESQ.
Attorney for the Protestants
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Telephone (301) 296-8823

SUMMONED 1-5-90
NOT SERVED 1-5-90
REASON NOT SERVED Not Addressed

1191 KILL
IN RE
* BEFORE THE BOARD OF APPEALS
* OF BALTIMORE COUNTY
HERMAN J. NESLINE, et ux,
SE/S Belair Road
32' NE of Raab Avenue
8809-8811 Belair Road
11th Election District
6th Councilmanic District
Case No. 89-406-XA

SUBPOENA DUCES TECUM

SECRETARY, please issue a Subpoena for the following person to appear and testify before the Board of Appeals of Baltimore County on Wednesday, February 21, 1990, at 10 a.m. to testify for the Protestants before the Board of Appeals, County Office Building, 111 West Chesapeake Avenue, Room 301, Towson, Maryland, 21204

Manager
Fullerton Shell Service Center
7901 Belair Road
Baltimore, Maryland 21236

and to bring with him any and all police reports of thefts or robberies from the date of the opening for business at this location through the present.

MR. SHERIFF:

Please issue the above Subpoena.

MICHAEL P. TANCZYN, ESQ.
Attorney for the Protestants
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Telephone (301) 296-8823

SUMMONED 1-5-90
NOT SERVED 1-5-90
REASON NOT SERVED Not Addressed

1194 WALKING
IN RE
* BEFORE THE BOARD OF APPEALS
* OF BALTIMORE COUNTY
HERMAN J. NESLINE, et ux,
SE/S Belair Road
32' NE of Raab Avenue
8809-8811 Belair Road
11th Election District
6th Councilmanic District
Case No. 89-406-XA

SUBPOENA DUCES TECUM

SECRETARY, please issue a Subpoena for the following person to appear and testify before the Board of Appeals of Baltimore County on Wednesday, February 21, 1990, at 10 a.m. to testify for the Protestants before the Board of Appeals, County Office Building, 111 West Chesapeake Avenue, Room 301, Towson, Maryland, 21204

Amoco Oil Company
c/o Anthony DiPaula, Esq.
614 Bosley Avenue
Towson, Maryland 21204

and to bring with him (A) information concerning fuel spills at Amoco stations in Maryland for 1986 through the present by location by County and amount and type; and (B) by station by County incidents of robbery or theft from each of the stations from 1986 through the present, identifying convenience stores locations separately.

MR. SHERIFF:

Please issue the above Subpoena.

MICHAEL P. TANCZYN, ESQ.
Attorney for the Protestants
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Telephone (301) 296-8823

SUMMONED 1-5-90
NOT SERVED 1-5-90
REASON NOT SERVED Not Addressed

I HEREBY CERTIFY that, on this 19th day of January, 1990, a copy of the foregoing was mailed, postage prepaid, to Anthony DiPaula, Esq., 614 Bosley Avenue, Towson, Maryland, 21204, attorney for Amoco Oil Company.

MICHAEL P. TANCZYN, ESQ.

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 (301) 296-8824
FAX (301) 296-8827

January 19, 1990

Baltimore County Board of Appeals
111 West Chesapeake Avenue
Towson, MD 21204

Re Case No. 89-406-XA

Gentlemen

Enclosed herewith please find Subpoena Duces Tecum issued in the above matter which is scheduled for hearing on February 21, 1990 as follows.

1. Original and copy of Subpoena for service on the Manager of Fullerton Shell Service Station, 7901 Belair Road, Baltimore, Maryland, 21236.
2. Original Subpoena for filing which has been served on Anthony DiPaula, Esq. for Amoco Oil Company.

Thank you for your assistance in this regard.

Very truly yours,

MICHAEL P. TANCZYN
Michael P. Tanczyn

MPT/ed
Enclosures

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 (301) 296-8824
FAX (301) 296-8827

March 16, 1990

Board of Appeals
111 West Chesapeake Avenue
Towson, MD 21204

Re Herman J. Nesline, et ux
Case Number 89-406-XA

Gentlemen

Enclosed herewith please find Protestant's Memorandum in the above matter for filing.

Very truly yours,

MICHAEL P. TANCZYN
Michael P. Tanczyn

MPT/ed
Enclosure

cc Anthony DiPaula, Esq.
Baltimore County People's Counsel
Mr. Thomas L. Vecchione
Ms. Sophie Raab

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEWAN
ANTHONY J. DIPAULA
THOMAS P. DORE

March 19, 1990

HAND DELIVERED

Lawrence E. Schmidt, Esquire
Chairman
Baltimore County Board of Appeals
County Office Building - 3rd Floor
Towson, Maryland 21204

RE: In Re: Appeal of Herman J. Nesline, et ux
Amoco Oil Company
8809-8811 Belair Road
Case No.: 89-406-XA

Dear Mr. Schmidt:

Enclosed please find an original and three (3) copies (one for each board member) of the Appellees' Memorandum being filed in the above referenced case.

Very truly yours,

ANTHONY J. DIPAULA
Anthony J. DiPaula

AJD/bjs
cc: Michael P. Tanczyn, Esquire (w/enclosure)
People's Counsel for Baltimore County (w/enclosure)
C. T. Bogdanowicz (w/enclosure)
Richard Truelove (w/enclosure)
3 bjs.50

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEWAN
ANTHONY J. DIPAULA
THOMAS P. DORE

February 26, 1990

HAND DELIVERED

Lawrence E. Schmidt, Esquire
Chairman
Baltimore County Board of Appeals
County Office Building - (3rd Floor)
Towson, Maryland 21204

RE: IN RE: APPEAL OF
HERMAN J. NESLINE, ET UX.
AMOCO OIL CO.
8809-8811 BELAIR ROAD
CASE NO.: 89-406-XA

Dear Mr. Schmidt:

I have just received by mail the Resolution of the Perry Hall Improvement Association filed by Mr. Tanczyn, and would reiterate my objection thereto. The new Resolution still fails to comply with Rule 8 of the Board Rules of Practice in that it does not contain the information required under 8(c) and 8(e). It does not say who is responsible for review and action on all zoning matters, or that Mr. Waidner is a duly elected member of the Board. Most importantly, all of the testimony should be stricken since 8(d) has not been complied with despite the fact that the protestants have had months to prepare their case. I have yet to see the Affidavit which "shall be produced" ["before any such authorized person shall testify"].

Very truly yours,

ANTHONY J. DIPAULA
Anthony J. DiPaula

AJD/cab
26 cb.12

cc: C.T. Bogdanowicz

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-8441
FAX 301-288-1111

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEAN
ANTHONY J. DIPAUZA
THOMAS R. DORE

REPLY TO:
ANNEX OFFICE
SUITE 101
806 BALTIMORE AVE.
TOWSON, MD 21204
AREA CODE 301
828-5525

October 26, 1989

HAND DELIVERED

Mr. Carl Richards
Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
CASE NO.: 89-406-XA
8809-8811 BELAIR ROAD

Dear Mr. Richards:

Enclosed please find ten (10) copies of a revised site plan for the above case.

The matter was heard by Deputy Commissioner Nastarowicz on April 12, 1989 and the Petitions were granted by Opinion and Order dated May 8, 1989. A condition of approval was that the plan be submitted for CRG approval, and if any changes were required, the plan was to be re-submitted to the Deputy Commissioner for final approval. CRG has recommended a complete re-design of the site. To further complicate matters, an appeal was filed by one of the protestants and the matter is currently pending before the Board of Appeals. The matter is scheduled to be heard on November 7.

By copy of this letter, a copy of the plan is being delivered to the Board of Appeals for its file. Enclosed is a

Mr. Carl Richards
October 26, 1989
Page 2

check in the amount of \$35.00 for the cost of filing the amended plan. Please forward the receipt for filing.

Very truly yours,
Anthony J. DiPaula
Anthony J. DiPaula

AJD/cab
24'cb.11

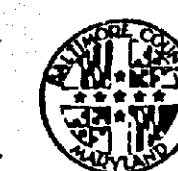
enclosures
cc: C. T. Bogdanowicz
Richard Truelove

RESOLUTION

Motion: That The Perry Hall Improvement Association authorize LOUIS F. WARDNER, V.P. & ZONING CHAIRMAN to appear on behalf of the Association in the matter of CASE 89-406-XA APPEAL FROM ZONING DECISION FOR 8809-8811 BELAIR RD. and affirm its OPPOSITION.
So moved; seconded;
Vote: Unanimous;
Resolved: That in accordance with the By-Laws of The Perry Hall Improvement Association, LOUIS F. WARDNER is so authorized to act.
AT THE SEPTEMBER 1989 MEETING OF THE MEMBERSHIP

Perry Hall Improvement Association

*By: [Signature] Pres.
[Signature] Sec.*



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3260 887-3180
November 7, 1989

HEARING ROOM -
Room 301, County Office Building

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-406-XA HERMAN J. NESLINE, ET UX
SE/s Belair Road, 32' NE of Raab
Avenue (8809-8811 Belair Road)
11th Election District
6th Councilmanic District
Day #2
(Continued from
11/7/89)
SE: Service Station and food store
VAR: signs

05/08/89 - D.Z.C.'s Order GRANTING Petitions with restrictions

which was scheduled for Hearing on November 7, 1989 was continued on the record and reset for January 18, 1990 by agreement of all Counsel and has been

ASSIGNED FOR: THURSDAY, JANUARY 18, 1990 at 11:00 a.m.

cc: Mr. and Mrs. Herman J. Nesline Petitioners
Ms. Sophie Raab Appellant/Protestant
Charles T. Bogdanowicz
L. Rodney Compton
Anthony J. DiPaula, Esquire
Mr. Richard Truelove
Thomas L. Vecchione
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Michael P. Tanczyn, Esq. Counsel for Protestants
LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3260 887-3180
January 23, 1990

HEARING ROOM -
Room 301, County Office Building

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-406-XA HERMAN J. NESLINE, ET UX
SE/s Belair Road, 32' NE of Raab.
Avenue (8809-8811 Belair Road)
11th Election District
6th Councilmanic District
Day #3
(Continued from
1/18/90)
SE: Service Station and food store
VAR: signs

05/08/89 - D.Z.C.'s Order GRANTING Petitions with restrictions

ASSIGNED FOR: WEDNESDAY, FEBRUARY 21, 1990 at 10:00 a.m.

cc: Mr. and Mrs. Herman J. Nesline Petitioners
Ms. Sophie Raab Appellant/Protestant
Charles T. Bogdanowicz
L. Rodney Compton
Anthony J. DiPaula, Esquire
Mr. Richard Truelove
Thomas L. Vecchione
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Michael P. Tanczyn, Esq. Counsel for Protestants
LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3260 887-3180
June 13, 1989

HEARING ROOM -
Room 301, County Office Building

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-406-XA HERMAN J. NESLINE, ET UX
SE/s Belair Road, 32' NE of Raab Avenue
(8809-8811 Belair Road)
11th Election District
6th Councilmanic District

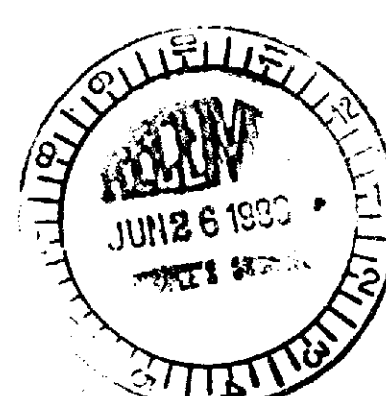
SE - for an automotive service station (Gas-W-Go) and a convenience food store with less than 5,000 sq. ft. of retail sales area in combination with the service station.

VAR - to allow one business sign with an area of 183.02 sq. ft. in lieu of three business signs with a total area of 100 sq. ft. as permitted.

05/08/89 - D.Z.C. Order GRANTING Petitions with restrictions.

ASSIGNED FOR: TUESDAY, NOVEMBER 7, 1989 at 10:00 a.m.

cc: Mr. and Mrs. Herman J. Nesline Petitioners
Ms. Sophie Raab Appellant/Protestant
Charles T. Bogdanowicz
L. Rodney Compton
Anthony J. DiPaula, Esq.
Richard Truelove
Thomas L. Vecchione
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kuszmaul
Legal Secretary



Following parties notified of hearing set for Tuesday, November 7, 1989 at 10:00 a.m.:

Mr. and Mrs. Herman J. Nesline
Ms. Sophie Raab
Charles T. Bogdanowicz
L. Rodney Compton
Anthony J. DiPaula, Esq.
Richard Truelove
Thomas L. Vecchione
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

11/7/89 - Case continued on the record as stated from the bench by Chairman Schmidt and reset to January 18, 1990 at 11:00 a.m. Above parties notified.

1/18/90 - Hearing continued before Board; need for additional hearing date; possible availability of February 21 if scheduled case for that date is postponed as requested; to verify (1) postponement of scheduled 2/21 case; and (2) availability of Counsel for 2/21.

1/18 - M. Tanczyn available for 2/21/90.

1/18 - T. DiPaula has pre-set arbitration hearing before American Arbitration Association; will let me know by 1/23 if someone else can handle arbitration matter.

1/23/90 - Above parties notified of hearing (Day #3) set for February 21, 1990 at 10:00 a.m.

MEMOS DUE 3/19/90. Tanczyn - 3/14/90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3263
J. Robert Haines
Zoning Commissioner

May 18, 1989

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception & Zoning Variance
SE/s Belair Road, 32' NE of Raab Avenue
(8809-8811 Belair Road)
11th Election District, 6th Councilmanic District
HERMAN J. NESLINE, ET UX - Petitioners
Case No. 89-406-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 15, 1989, 1989 by Sophie Raab, Protestants. All materials relative to the case are being forwarded herewith. Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Herman J. Nesline
8807 Belair Road, Baltimore, MD 21236
Charles T. Bogdanowicz, Amoco Oil Company
14520 Green Road, Baldwin, MD 21013
L. Rodney Compton, 12228 Fawnhaven Court, Ellicott City, MD 21043

May 11, 1989

J. Robert Haines
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Haines,

In reference to petitions for special exception
and zoning variance, Case No. 89-406-XA, I
find the decision unfavorable. I wish to file
an appeal to the County Board of Appeals.

My address is: 4202 Raab Avenue
Baltimore, Md. 21236

Respectfully,
Sophie Raab

P.S.
Enclosed is money order
for \$205.00

RECEIVED

MAY 15 1989

(O.K.-cu)

ZONING OFFICE



GREENSPRING
ENVIRONMENTAL
DESIGN &
CONTRACTING, INC.

ENVIRONMENTAL
PLANNING

RESTORATION

LANDSCAPE
ARCHITECTURE

P.O. BOX 935
BROOKLANDVILLE,
MARYLAND
21022
301/337-3659


89-406A file

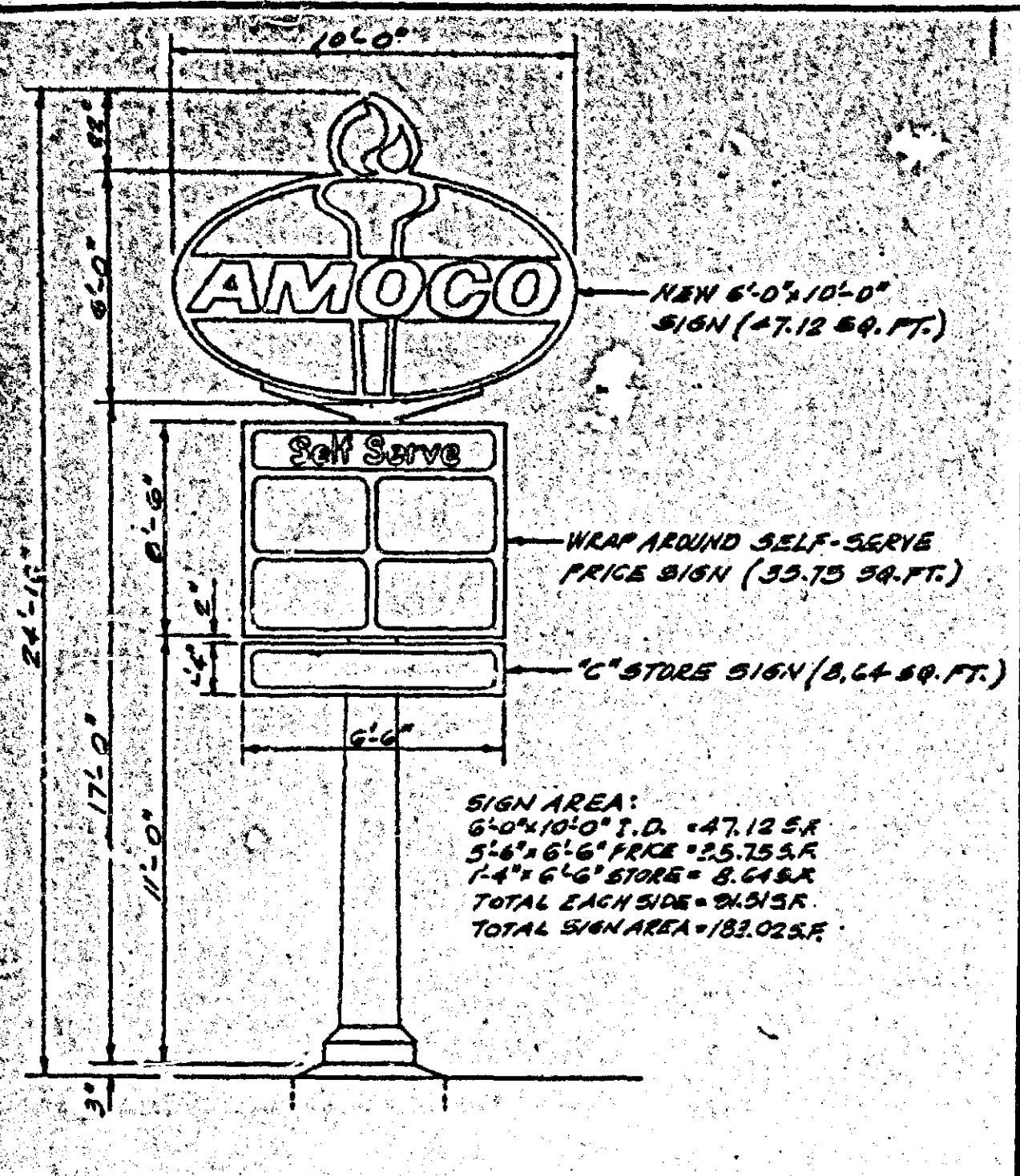
ENVIRONMENTAL IMPACT STATEMENT

for

AMOCO OIL COMPANY



174 SQ. FT. COMMERCIAL D.U. 676 50' E ~ 272.17'	N 45° 00' 00" W BELAIR	<p style="text-align: center;">PLAN</p> <p>OWNER HERMAN J. AUDREY L. NESLINE LIBER 4181 / 183 ACCOUNT NO. 11-14-011820 8000 BELAIR ROAD PERRY HALL, MARYLAND</p>	<p style="text-align: center;">PLAN</p> <p>SCALE: 1" = 20'</p> <p style="text-align: right;">LIMIT OF DR-10 ZONE</p> <p style="text-align: center;">APPLICANT</p> <p>AMOCO OIL COMPANY C/O CHARLES T. BOGDANOWICZ 14520 GREEN ROAD BALDWIN, MARYLAND 21013 502-5214</p>	
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LANDSCAPE REQUIREMENT

LINEAR FEET OF FRONTAGE
TREE REQUIRED @ 100 L.F.
90% MAJOR DECIDUOUS
MINOR DECIDUOUS
ONE MAJOR DEC. TREE REQ'D PER 12 PARKING SPACE
MAJOR DECIDUOUS PROVIDED (311)
MINOR DECIDUOUS PROVIDED
MINOR DECIDUOUS PROVIDED
(4 NG. + 1 CEMENT FOR EXISTING)

LOT AREA REQUIREMENTS
(409.4 - A.1)

5. FUEL SPACES = 1,500 ± 12,000 S.F. (9,000 S.F. MIN.)
6. STORES - RETAIL FLOOR AREA = 23' x 25' x 4' = 2,300 S.F.
TOTAL SITE AREA REQUIRED = 17,800 S.F.
SITE AREA PROVIDED = 36,174 S.F.
MINIMUM SITE WIDTH REQUIRED = 180'
ROAD FRONTAGE PROVIDED = 175'

SETBACK REQUIREMENTS
(409.4 - A.2)

MAIN BUILDING 35' FROM R/W 00' FROM E
GASOLINE PUMP 15' FROM R/W 35' FROM E
SIGN 6' FROM R/W 31' FROM E

SETBACKS PROVIDED

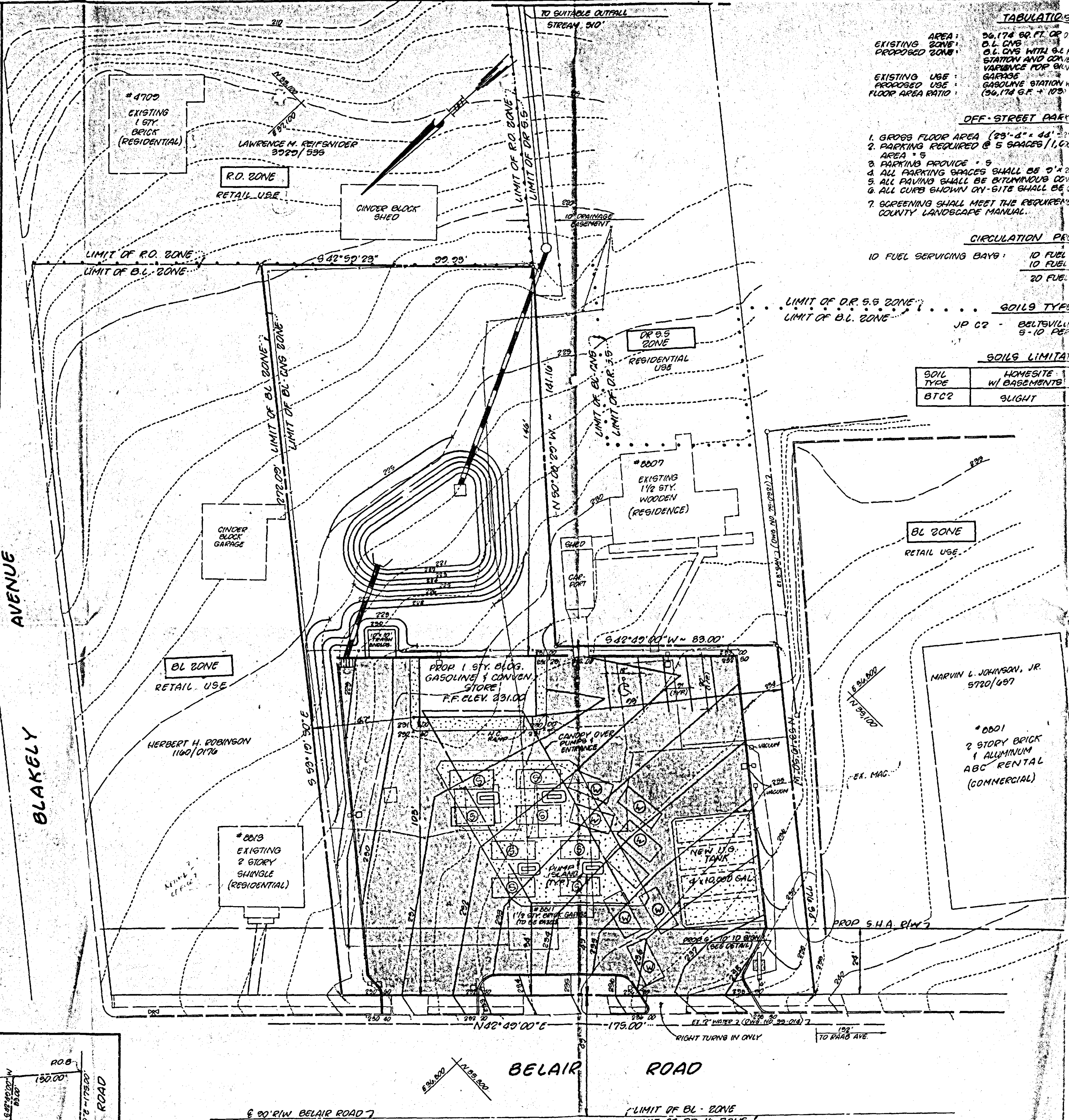
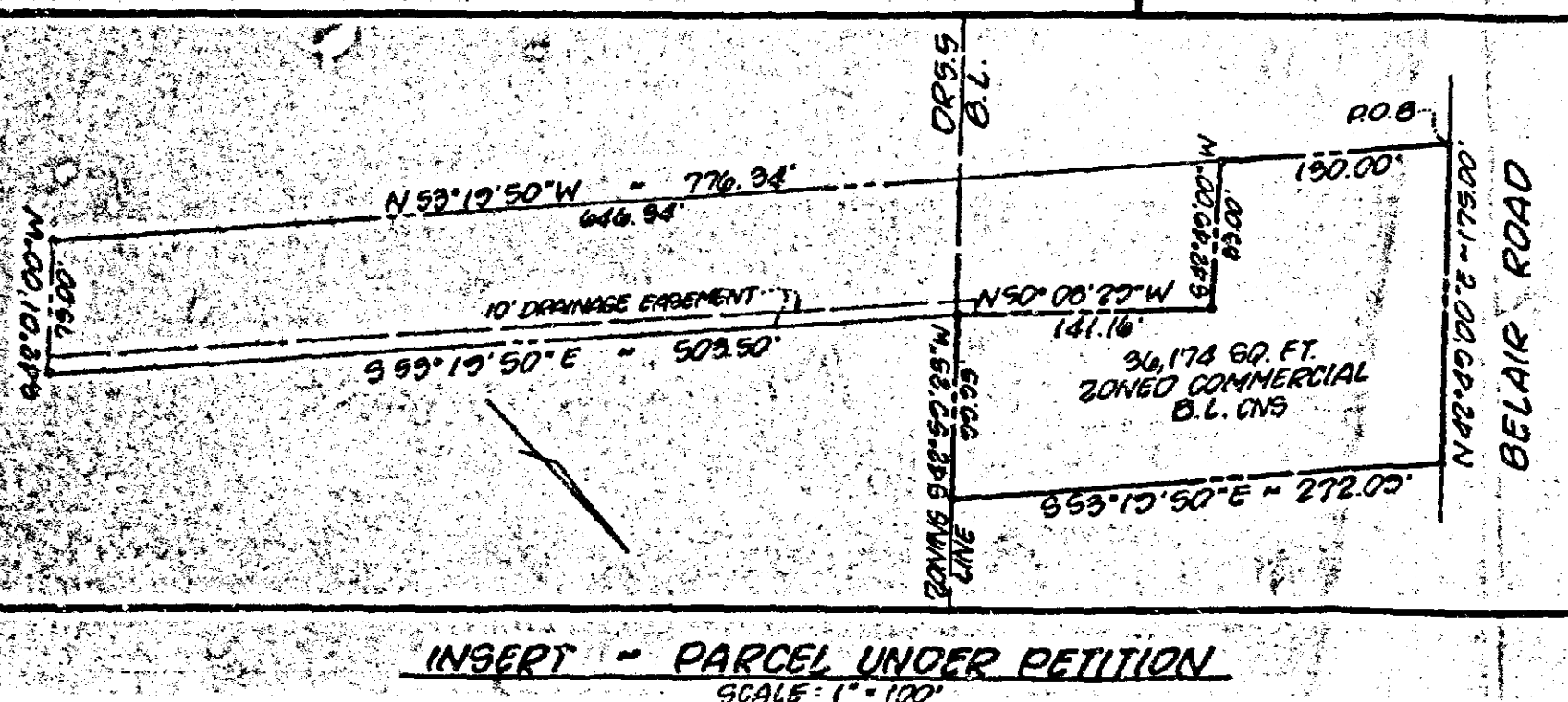
MAIN BUILDING 105' FROM R/W 145' FROM E
GASOLINE PUMP 24' FROM R/W 70' FROM E
SIGN 6' FROM R/W 50' FROM E

BL ZONE (222)

SIDE YARD: NONE REQUIRED FOR INTERIOR LOT
REAR YARD: 20' MIN. ADJUTING RESIDENTIAL ZONE

SECTION 303

FRONT YARD: AVERAGE OF BUILDING WITHIN 100' OF JOINT PROPERTY



OWNER
HERMAN J. AUDREY L. NESLINE
LIBER 4121 / 183
ACCOUNT NO. 11-14-011220
8800 BELAIR ROAD
PERRY HALL, MARYLAND

APPLICANT
AMOCO OIL COMPANY
410 CHARLES T. BOGDANOWICZ
14520 GREEN ROAD
BALDWIN, MARYLAND 21013
502-5914

TABULATIONS

EXISTING AREA: 36,174 S.F. OR 823 AC.
PROPOSED ZONE: B.L. ZONE WITH 5-L FOR AUTOMOTIVE SERVICE STATION AND CONVENIENCE STORE, AND A VARIANCE FOR BLV AREA.
EXISTING USE: GARAGE
PROPOSED USE: GASOLINE STATION WITH CONVENIENCE STORE
FLOOR AREA RATIO: (36,174 S.F. + 103 S.F.) / 39

OFF-STREET PARKING

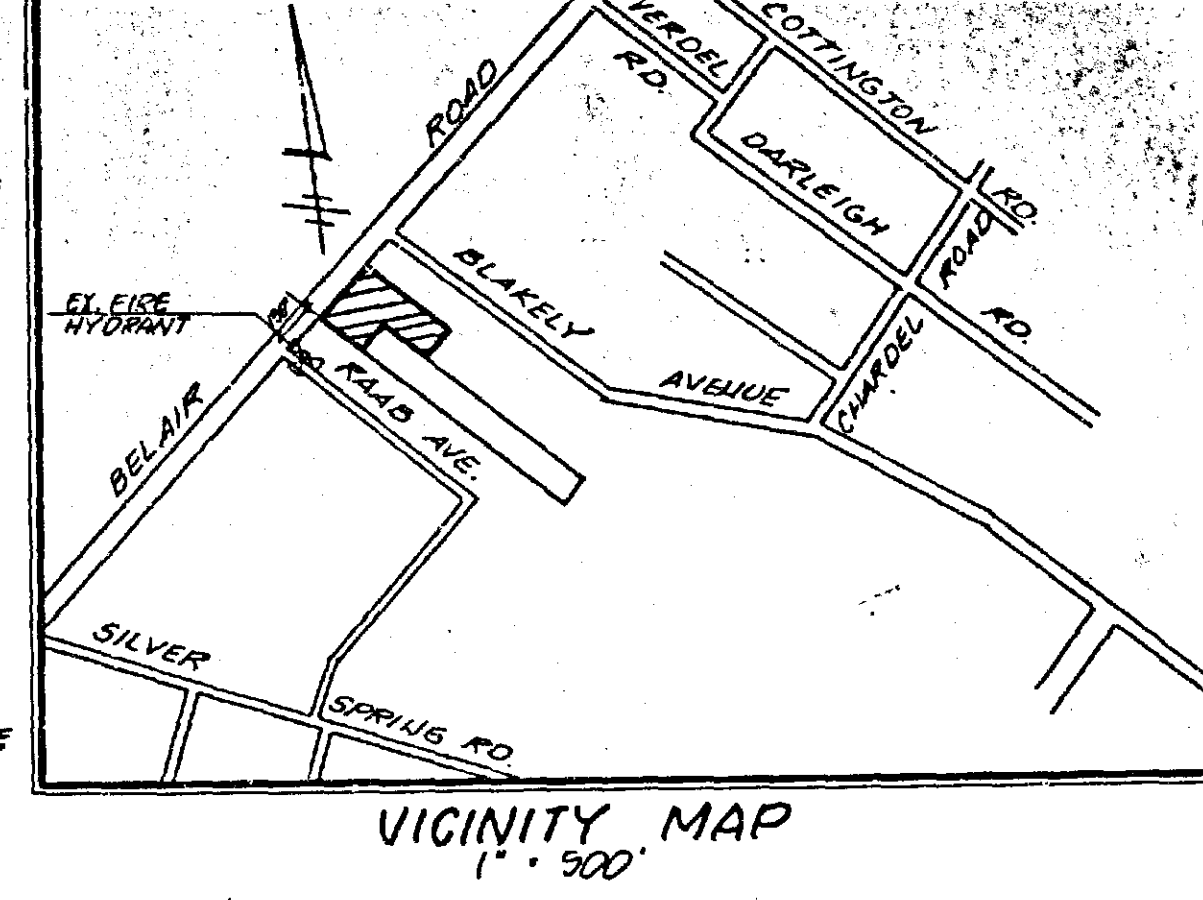
1. GROSS FLOOR AREA (23' x 44' x 23') = 1,030 G.F.
2. PARKING REQUIRED @ 5 SPACES / 1,000 S.F. GROSS FLOOR AREA = 5
3. PARKING PROVIDED = 5
4. ALL PARKING SPACES SHALL BE 9' x 20'
5. ALL PAVING SHALL BE BITUMINOUS CONCRETE SURFACE.
6. ALL CURBS SHOWN ON-SITE SHALL BE 6" H. BY 8" W CONCRETE
7. SCREENING SHALL MEET THE REQUIREMENTS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.

CIRCULATION PROVIDED

10 FUEL SERVICING BAYS: 10 FUEL SERVICE SPACES
10 FUEL WAITING SPACES
20 FUEL SPACES TOTAL

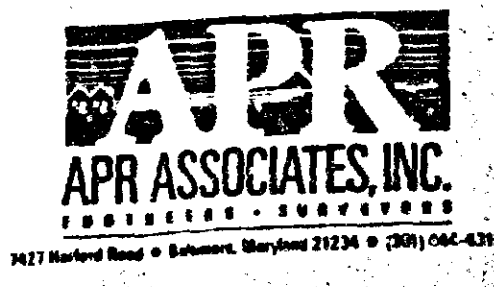
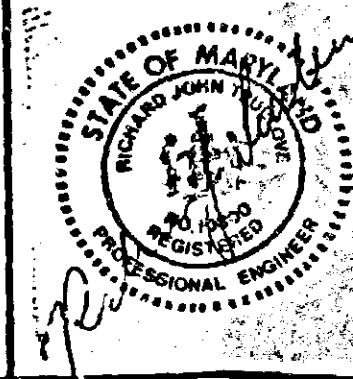
SOILS LIMITATIONS

SOIL TYPE	HOMESITE W/ BASEMENTS	STREETS & PARKING LOTS
BTC2	SLIGHT	SEVERE



- GENERAL NOTES**
- ALL EXISTING STRUCTURES ON-SITE TO BE RAZED.
 - LIGHTING SHALL BE A MAXIMUM OF 18' HIGH. PERIMETER LIGHTS SHALL BE DIRECTED DOWNWARD AND INTO THE SITE.
 - LOCATION OF EXISTING FIRE HYDRANTS ARE SHOWN ON VICINITY MAP AND PLAN VIEW.
 - PAVING SECTION TO BE ESTABLISHED BY SOIL ENGINEER BUT SHALL BE A MINIMUM OF 3" BITUMINOUS SURFACE COURSE ON 6" CRUSHER RUN BASE.
 - ENTRANCES SHALL BE STD. 1" CONCRETE ON 4" CRUSHER RUN BASE AS PER BALTIMORE CO. PLATE P-02.
 - PUBLIC WATER AND SEWER ARE EXISTING.
 - LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT.
 - CONTRACTOR TO VERIFY LOCATION AND DEPTH OF EXISTING UTILITIES.
 - ESTIMATED AVERAGE DAILY TRIPS (ADT'S)
 - GASOLINE STATION 745 / STATION
 - THERE ARE NO WETLANDS, CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, HAZARDOUS MATERIALS STORAGE OR HISTORIC BUILDINGS ON THE SITE.
 - NO COMMON OPEN SPACE REQUIRED IN BL ZONE.

*Petitioners
No. 1
County of Bl
appeals*



AMENDED PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
AMOCO OIL COMPANY
8807 - 8811 BELAIR ROAD
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
6TH COUNCILMANIC DIST-CENSUS TRACT 0119.03 - WATERGARD - EASTERN SECOND SUBSEWERAGE - 22
SCALE: AS SHOWN
OCTOBER 2, 1999